

Applicant

Kevin Willaert
326 Tyler Ave
North Mankato, MN 56003

Request and Location

Request for a conditional use permit to operate a diesel engine and construction equipment repair business in a Light Industrial Zoned District located in the SW ¼ of the NW ¼ of Section 23 South Bend Township.

Legal Description

Lots 4 to 9, Block 14, South Bend Townsite. T-108-N, R-27-W.

Zoning

Light Industrial

General Site Description and Project Proposal

The property involved is a vacant lot owned by the applicant. The applicant is requesting a conditional use permit to operate a diesel engine and construction equipment repair business.

The property includes 1.40 acres. The proposal is to construct a 50 foot by 104 foot building that will serve as the shop and work area. Much of the work will take place out on the jobsite and not in the proposed shop. Primary hours of business will be from 8:00 a.m. to 5:00 p.m. Monday through Friday. Additional repair work will take place in the evening hours and occasionally on weekends. On site traffic will consist of occasional delivery vehicles and customers dropping off and picking up their projects. A floor plan of the shop area has been not yet been furnished. One will be required prior to the issuance of a construction permit. The applicant will review this floor plan with the Chief of the South Bend Fire Department. All waste automotive fluids will be disposed of as required by the County and the Minnesota Pollution Control Agency (MPCA). The applicant has talked with Blue Earth County Waste Management Specialist, Ken Frederick to discuss the handling and disposal of hazardous wastes resulting from the business. Mr. Frederick's findings are listed in staff comments below.

Existing Land Use within 1/4 Mile

North: Open and developed Light Industrial Zoned Lots, Waseca Ave, and a residential area.

South: A heavy construction business, wooded open area, and one residence to the southwest.

East: Bluff Street and a mobile home park with multiple dwellings.

West: Open and developed Light Industrial Zoned Lots and CSAH 33.

Access

Access will be provided by a driveway off of Bluff Street.

NATURAL RESOURCES INFORMATION

Topography

The site is fairly flat.

Floodplain

The proposal is not within a floodplain area.

Shoreland

The proposal is not within a shoreland area.

Wetlands

According to the National Wetlands Inventory, there are no wetlands on the property.

Township Review – At the time this report was written, no comment had been received from the Township.

Staff Comments

Solid Waste Review - After review of materials used by an auto type business, and the discussion I had with other staff members, there would be no real concern of problems with Hazardous Waste. In the future if they need to dispose of any Hazardous Waste they will need an Identification Number from the State of Minnesota. I can help them with this when needed and is only required if they need to dispose of Wastes. The only Hazardous Waste that would need to be disposed of would be the used parts cleaner and possibly the contaminated gas/diesel fuel. The used oil and antifreeze would need to be disposed of properly and is then recycled and not considered a Hazardous Waste that needs to be counted as part of the totals for generating a waste. If they generate more than 10 gallons or 100 pounds of waste in a year they would need to be a Very Small Quantity Generator (VSQG). If they stay under that amount they would be a Minimal Quantity Generator (MQG), which only requires an Identification Number and no fees for the MQG. If they generate more waste than the MQG they would need to pay the fee to be a VSQG. That is why they need to dispose of wastes each year to stay under the limits for a MQG. As soon as they generate more waste than the 10 gallons/100 pounds they would be a VSQG and have to pay an additional fee to the State. The used oil and used antifreeze is considered to be universal waste and is considered to be hazardous but does not count toward the 10 gallons/100 pounds of hazardous waste totals. The used oil would also include transmission, power steering, and hydraulic type fluids.

They will want to store new oil or other new fluids on a surface that is not going to allow it to leak into the ground in case of a spill or leak from a container. Could be stored in a plastic container or on a cement type surface that is painted with an epoxy paint to seal the cement to prevent anything from leaking into the cement and allow clean up. It is expensive to clean up leaks after soil is contaminated or worse yet the water that could be contaminated if it reaches that far. The used oil tank should have secondary containment in case of a leak.

Septic Review - A septic system will need to be installed. A holding tank is an option. The floor drain waste will have its own EPA requirements.

Well Review – The proposed automotive repair facility is planning on utilizing the neighbors well for a water source. Blue Earth County must receive an easement agreement for the use of this well. This easement agreement must be recorded with the property.

Wetland Review - Based on an aerial photograph review of the soils, topography and the National Wetlands Inventory maps the location of the proposed building and parking area does not appear to impact any wetland(s).

Opinions

Based on the information submitted by the applicant, contained in this report, and as required in Sec. 24-46 of the County Code, the following opinions have been developed for this request:

1. That the proposed use conforms with the county land use plan.
2. The demonstrated need for the proposed use.
3. That the proposed use will not degrade the water quality of the county.
4. That the proposed use will not adversely increase the quantity of water runoff.
5. That soil conditions are adequate to accommodate the proposed use.
6. That the proposed use does not create a potential pollution hazard.
7. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
8. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.
9. That facilities are provided to eliminate any traffic congestion or traffic hazard which may result from the proposed use.
10. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
11. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for predominant uses in the area.
12. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.
- NA 13. That the density of proposed residential development is not greater than the density of the surrounding neighborhood or not greater than the density indicated by the applicable zoning district.
14. That site specific conditions and such other conditions are established as required for the protection of the public's health, safety, morals and general welfare.

NA 15. That the intensity of the proposed residential development is not greater than the intensity allowed in the Agricultural Zoning District. Section 24-111 of the Agricultural District States: “Owners of property, residents, other users of property in the agricultural zone, and neighboring properties adjacent to the agricultural zone may be subjected to inconvenience or discomfort arising from normal and accepted agricultural practices and operations including, but not limited to; noise, odors, dust, operation of aircraft and late night operation of farm machinery, the storage and application of manure, fertilizers, soil amendments, herbicides, and pesticides associated with normal agricultural operations.

Recommendations

Staff recommends **approval** of the request to operate a diesel engine and construction equipment repair business with the following conditions:

1. Junkyards and scrap yards are prohibited.
2. Signage shall conform with the standards of Article VI of Chapter 24 of the County Code of Ordinances.
3. Hours of operation shall begin no earlier than 8:00 a.m. and end no later than 5:00 p.m.
4. That should the need arise in the future for the disposal of hazardous wastes other than used oil and antifreeze, i.e. used parts cleaner, contaminated fuels, etc. the applicant shall obtain a Generator ID Number from the MPCA.
5. That all waste fluids are disposed of according to County and Minnesota State Pollution Control Agency standards.
6. That the used oil tank shall have a secondary containment system. New fluids shall include a secondary containment system or include a cement type surface that is painted with an epoxy paint to seal the cement to allow for easy clean up.
7. That any and all floor drains shall discharge to a proper holding tank and properly disposed of according to Environmental Protection Agency (EPA) regulations.
8. That secondary containment is provided where required to contain accidental leaks and spills of automotive fluids.
9. That a code complying SSTS or holding tank shall be installed in conjunction with the construction of the shop building.
10. That a detailed floor plan of the proposed structure be presented at the time of application for a construction permit. Said floor plan shall be reviewed with the Chief of the South Bend Fire Department.

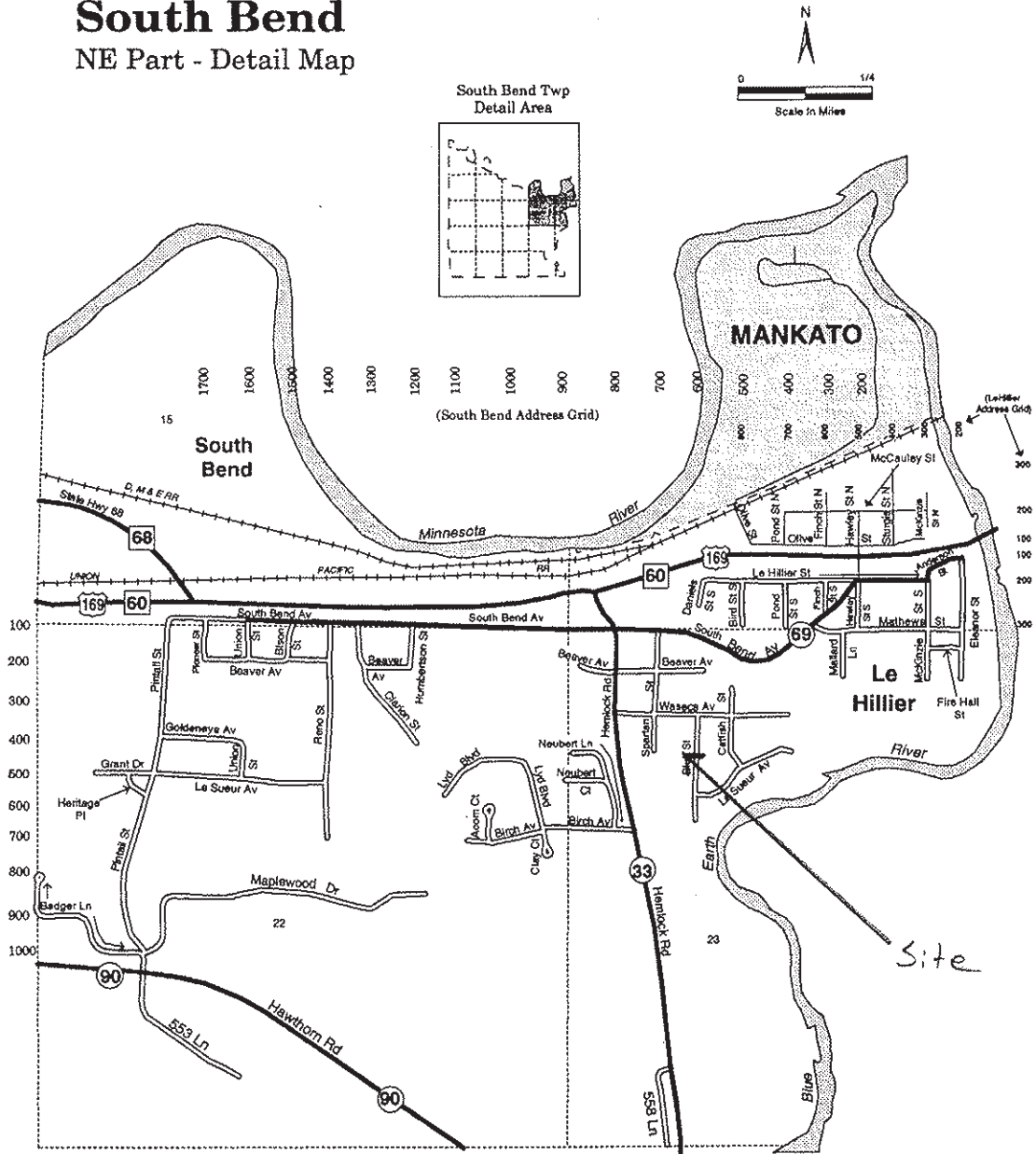
11. That if a well is to be shared with the neighboring property owner, a shared well easement agreement shall be signed and recorded with the property.

Attachments

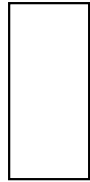
- A-1 General Site Location
- A-2 Site Map
- A-3 Zoning Map

Attachment A-1 General Location Map

South Bend NE Part - Detail Map



Kevin Willaert Site Plan



Proposed Building



Septage Holding Tank
Floordrain Holding Tank

** Shared Well with
neighbor to the south



0 100 200 Feet



Disclaimer: This map was created using Blue Earth County's GIS and was created for specific internal County uses. It is intended to be used for reference purposes only and does not represent a field survey. No liability is assumed for the accuracy of the data delineated herein, either expressed or implied by Blue Earth County or its employees.

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South Bend Townsite Zoning Map



BLUE EARTH COUNTY

ZONING DISTRICTS

- Agriculture
- Conservation
- Rural Residence
- Rural Townsite
- General Business
- Highway Business
- Light Industry
- Heavy Industry

Shoreland Classifications - Lakes

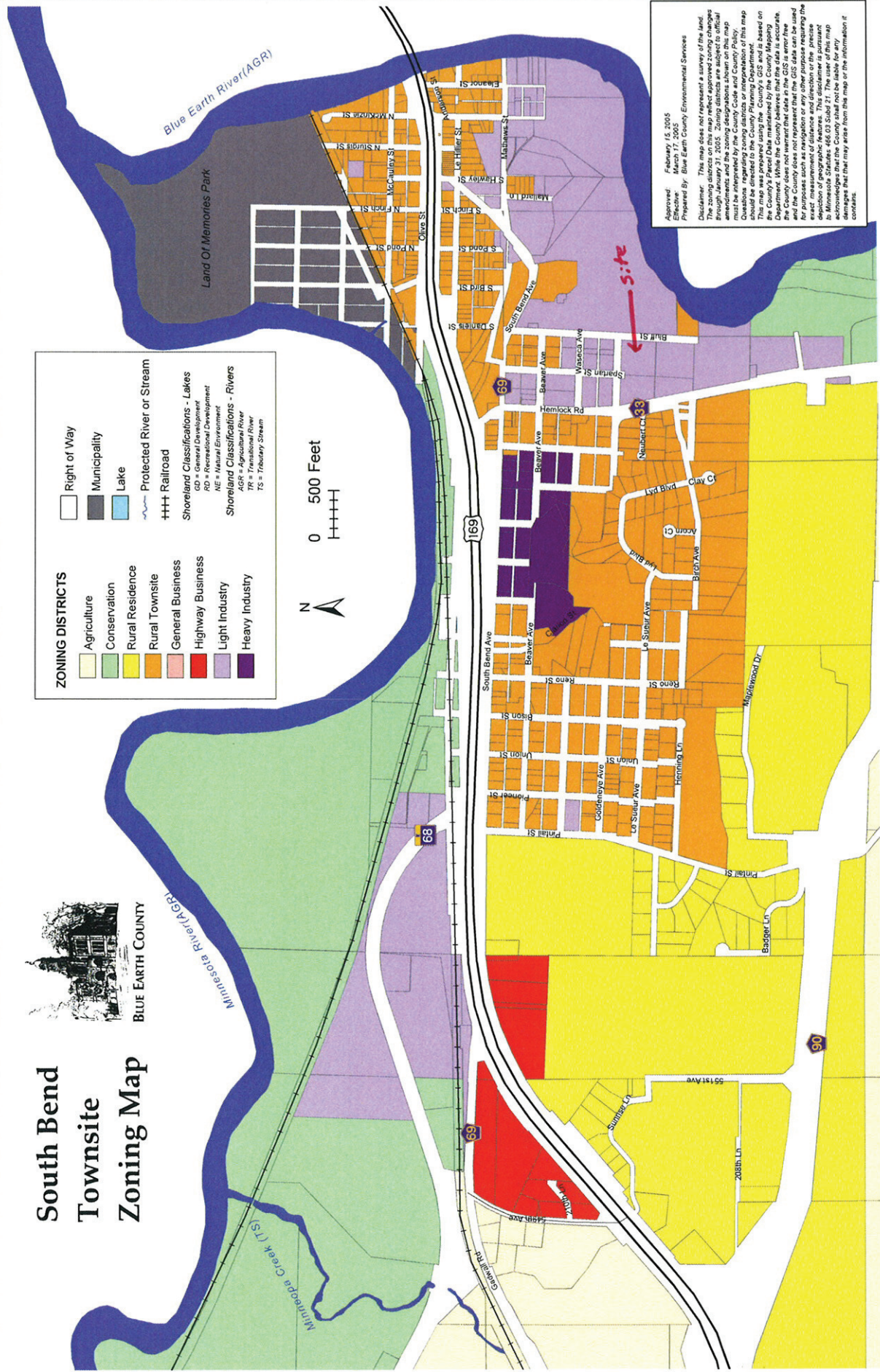
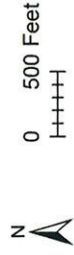
- GD = General Development
- NE = Natural Environment

Shoreland Classifications - Rivers

- AGS = Suburban River
- TR = Transitional River
- TS = Tributary Stream

Other Symbols:

- Right of Way
- Municipality
- Lake
- Protected River or Stream
- Railroad



Approved February 15, 2005
Effective March 17, 2005
Prepared By: Blue Earth County Environmental Services

Disclaimer: This map does not represent a survey of the land. The map is based on data provided to the County through January 31, 2005. Zoning districts shown on this map must be interpreted by the County Code and County Policy. This map should be directed to the County Planning Department.

This map was prepared using the County's GIS and is based on the County's Parcel Data maintained by the County. The County does not warrant that data in the GIS is error free and the County does not represent that the GIS data can be used for any purpose other than the intended use. The County is not responsible for any measurement of distance and direction of the precise depiction of geographic features. This disclaimer is pursuant to Minnesota Statutes, 463.03 Subd 21. The user of this map assumes all responsibility for any errors or omissions or damages that may arise from the map or the information it contains.