

Applicants

Carl Voges & Christine Restorff
205 Broad St N Judson
Lake Crystal MN 56055

Request and Location

Request for a Conditional Use Permit to operate an auto and tractor repair business, as well as DOT Inspections in the Light Industrial Zoned District in the SW ¼ of the SE ¼ of Section 33, Judson Township.

Legal Description

That part of the Northwest ¼ of the Northeast ¼ and the Northeast ¼ of the Northwest ¼ of Section 4, Township 108 North, Range 28 West, and of the Southwest ¼ of the Southeast ¼ of Section 33, Township 109 North, Range 28 West of the Fifth Principal Meridian, including parts or all of Warehouse Lots 6, 7, 8, and 9, of Warehouse Lots, as shown on Western Town Lot Company's (recorded) plat of Judson, all bounded as follows: On the Northwesterly side by the West line of the Southwest ¼ of the Southeast ¼ of said Section 33; on the Northeasterly side by a line parallel with and distant 200 feet Northeasterly, measured at right angles, from the center line of the main track of the Mankato and New Ulm Railway Company (now the Chicago and North Western Railway Company), as said main track center line was originally located and established across said Sections 4 and 33, said parallel line being also parallel with and distant 30 feet Southwesterly, measured at right angles, from the Southwesterly lines of Blocks 5 and 6 in Judson; on the Southeasterly side by the Southeasterly line and extensions thereof, of said Warehouse Lot 9; and on the Southwesterly side by a line parallel with and distant 8.5 feet Northeasterly, measured at right angles, from the center line of Chicago and North Western Railway Company Spur Track I.C.C. No. 43, as said spur track is now located.

Zoning

Light Industrial

General Site Description, Site History, and Land Use Information

The site is located just West of the Judson Implement, an implement dealer. The site is zoned Light Industrial and in 2004 a permit was issued to a previous owner for a shed. This shed is the location of the proposed business. Mr. Voges will do light engine repair and body work for customers but mostly be doing DOT Inspections on commercial vehicles. Mr. Voges is a certified DOT inspector. Most of the DOT inspections will be done off this site. The staff will consist of 1-2 employees, the owner and his son, until such time would warrant an increase in staff.

Access

No change in access points is proposed. Access is provided by an existing driveway off of Township Road W. Judson Fort Road.

Existing Land Use within 1/4 Mile

North: Woodland, the Minnesota River, 20 residences, and the applicants' home

South: Crop land, woodland, grassland, 10 residences, Railroad Street (TWP), Broad Street (TWP), Park Street (TWP), Co Road 42 and the DM&E Railroad
East: One business, 2 residences, the DM&E Railroad, W. Fort Judson Road (TWP), and Co Road 42
West: Crop land, grassland, one residence and the DM&E Railroad

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 input had been received from the Township.

Environmental Health Review – See attachment A-3.

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 to 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 an auto and tractor repair business as will as DOT Inspections contingent upon the following conditions:

1. Hours of operation shall be from 8:00 am to 8:00 pm Monday through Saturday.
2. Junkyards and scrap yards are prohibited.
3. Allowable signage shall be limited to a 32 square foot sign, non-illuminated, and located on the property.
4. There shall be no indication of offensive noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line.
5. That all waste fluids are disposed of according to County and Minnesota State Pollution Control Agency standards.

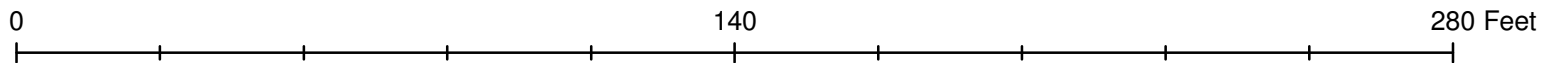
6. This Conditional Use Permit shall be effective for a five year period (September 28, 2015) after which it will be reviewed by the Blue Earth Planning Commission and County Board.

7. If water is added to the building and the bathroom is installed a septic system alteration permit needs to be obtained from Environmental Services.

Attachments

- A-1 General Site Location
- A-2 Site Map
- A-3 Environmental Health Comments

Voges PC 21-10



**Blue Earth County Environmental Services Department
Land Use and Natural Resources Section
Post Office Box 3566
Mankato, Minnesota 56002-3566
Telephone: (507) 304-4381**

Environmental Health Review

August 20, 2010

R38.02.33.455.001

Carl Voges and Christine Restorff- Conditional Use Permit to operate a DOT inspection, auto and tractor repair shop in the SW ¼ of the SE ¼ Section 33 Judson North Township. Said property is zoned Light Industrial.

General: No business plan was submitted but according to planning and zoning staff no chemicals are on the premises.

Septic System: A holding tank for a bathroom in the building was installed on February 18, 2005. It is not completely in the ground and there is no plumbing hooked into it. If water is added to the building and the bathroom is installed than the plumbing must be hooked into the holding tank. A septic system alteration permit will need to be acquired prior to this work being done.

Water Wells: There was a well on the property but it was sealed by a Seppmann Well Drilling on August 18, 1997. There is no record of a new well drilled in the County or State listings. According to the homeowner there is no water on the property.

Wetlands: There is most likely wetland adjacent to the flowage on the east side of the property. This wetland must not be filled, drained, excavated or negatively impacted in any way.

Environmental Health Conditions That Need To Be Address As Conditions In C.U.P.:

- 1. If water is added to the building and the bathroom is installed a septic system alteration permit needs to be obtained from Environmental Services.**
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