

**Town of Eldorado  
Plan Commission  
Public Hearing Minutes**

**Tracking # CUP-2022-07-05-Newcastle Property Investments LLC**

**Date:** August 9, 2022

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary	x	Aaron Rickert, Town Board Liaison
x	Jeff White, Vice Chairperson	x	Dennis Yoder, Member		

**Public Hearing – Application for Conditional Use Permit – Applicant: Newcastle Property Investments, LLC**

**Applicant:**

**Location/Description of Property:** N8030 Sales Rd / T07-16-16-26-01-003-00

**Parent parcel acres:** 5.217 +/-

**Current zoning:** Commercial

**Proposed parcel acres:** N/A

**Area of Dedication acres:** N/A

**Proposal:** Install security gate & fence, cameras, solar powered lighting & shipping containers for use by the existing storage business.

**Attendance for the application:** Eric Borseth

Meeting called to order by Brenner at 7:00 p.m.

Brenner read the legal notice published July 24 and 31, 2022.

Presentation of application:

Borseth presented the application including an accompanying power point presentation. The application is for improvements to the property including:

- a security gate with keypad entry,
- security fence surrounding the security gate to prevent unauthorized access from Sales Rd,
- security cameras with wi-fi,
- solar powered lighting pointing downward to minimize light pollution, and
- up to 250 shipping containers with no electricity to the containers starting with 10 containers and increasing as consumer demand fills the containers.
- Big Air 45 container vents may be added to the containers to supplement the standard container vents.

Borseth intends to construct a new building with temperature and humidity control when cash flow allows and may add a sign in two to five years (neither item part of CUP). Borseth agreed to following the Sign Ordinance and obtain building permits per Town ordinances. Borseth puts forth a proposal for up to 200 containers that are 20 feet long and up to 75 containers that are up to 40 feet long with no more than 250 containers total. All shipping containers are proposed to be all blue or all tan. Any graffiti will be covered upon discovery. The containers are intended to be rodent & pest proof and heat/cool quickly. The containers are no longer proposed to be one foot apart as discussed during the concept plan discussions; rather, they will be placed immediately adjacent to each other in groups. Borseth confirmed with the tax assessor that the containers will be *taxed* as personal property despite use for a commercial business. Borseth has a property manager that will handle the day-to-day management and Borseth will manage the business, visiting the property weekly.

Borseth questioned how the Town charges for placement of storage containers. Dave Jahns, Permit Officer, stated that mini buildings (e.g., garden sheds) are considered structures needing permitting if over 10' x 12'. EPC commented that administrative effort by the Town for iterative additions of storage containers will need to be discussed and decided as a condition of the CUP.

Questions of applicant from members of the public:

Ron Lyness commented he is concerned with rodent entry in anything cut to add ventilation. Borseth replied that he will seal with intent to remain rodent proof.

Chuck Boyd commented that his residential tenant across I-41 has complained about race car testing noise coming from the property heard across the highway for 2-3 hours at a time at night. There is apparently a tenant that arrives at the property in the early evening and is running a Dyno all hours. There are also car lights coming and going all hours of the night. Boyd also believes someone is staying in a camper on Borseth's property. Boyd commented that he basically has a noise and activity complaint. Jahns stated that there is a Nuisance Ordinance. Borseth replied that he will look into the complaints and adhere to the Nuisance Ordinance. Boyd further shared with Borseth that there is theft in the area and recommended he consider a fence around the buildings.

Lyness inquired how the shipping containers are being taxed and whether there is any revenue for the Town. Brenner commented that it is not likely to affect how or if EPC approves or denies the application. Borseth clarified that the Tax Assessor plans to tax as personal property. Concern was raised from the public about setting precedence for requiring a Conditional Use Permit for purchase/placement of personal property. Brenner reiterated that EPC is not deciding the CUP application based on taxes. Jahns, as Permit Officer, clarified that the CUP is permitting the land use, not the tax implications.

Questions of applicant from Eldorado Plan Commission (EPC) members:

White questioned if there is intent for future PODS use where PODS go out to be loaded and then transported and stored on the property. Borseth stated this is not in the application and not intended. He has no equipment to haul, etc.

EPC informed Borseth that a previous CUP applicant for another business agreed to provide the plan to the Eldorado Fire Department (EFD) for review. Borseth agreed to submit his plan to EFD and implement their recommendations, including spacing between containers.

EPC discussed concerns with storage of gas, combustibles, or hazardous waste. Borseth agreed to put within the rental contracts that these items are not allowed.

Testimony in support of application (offered three times):

Lisa Yoder, Chuck Boyd and Dave Jahns spoke in favor of the application.

Testimony in opposition of application (offered three times):

Ron Lyness spoke in opposition of the shipping containers as an eyesore and concern with stormwater runoff into his adjacent field but is in favor of the property improvements.

Rebuttal testimony by applicant:

Borseth added that he will address reports of noise or light pollution. The fence/gate will limit vehicle entry without keypad access. He will work with the EFD on any concerns with the tight rows and no proposed space between the containers. A water management system will be drafted when the permanent buildings are built but he has been informed by the Department of Natural Resources (DNR) that one is not needed for placement of the storage containers.

Discussion by EPC:

EPC commented that the majority are in favor of the improvements and discussion followed regarding specific conditions of the permit, settling on the following:

- Permit to be issued to Newcastle Property Investments, LLC as landowner.
- Allow Borseth to increase the fence beyond the proposal as needed for protection of property.
- Submit the site plan to EFD and implement their recommendations, including spacing between containers.
- Shipping containers must be uniform color and either blue or tan.
- Graffiti to be addressed upon discovery.
- Maximum of 250 containers.
- Maximum of 52,000 square feet or 1.2 acres of shipping container area (calculated using 175 containers 20-foot long and 75 containers 40-foot long).
- No spacing constraints other than to adhere to EFD recommendations for safety.
- Consult with the Permit Officer prior to placement of additional containers per batch, regardless of number. Permit Officer will involve EFD and Town Patrolman as needed.
- A special administrative fee will be charged to be paid to the Town as follows to cover Permit Officer, EFD and Town Patrolman effort to review for safety, traffic, road use, stormwater runoff & culvert considerations as the number of containers are incrementally increased: \$125 per 25 containers, regardless of container size.

For clarity,

- The first \$125 must be paid prior to placement of the first container (1-25)
- An additional \$125 is required prior to placement of the 26<sup>th</sup> container (26-50)
- An additional \$125 is required prior to placement of the 51<sup>st</sup> container (51-75)
- An additional \$125 is required prior to placement of 76<sup>th</sup> container (76-100)
- An additional \$125 is required prior to placement of 101<sup>st</sup> container (101-125)
- An additional \$125 is required prior to placement of 126<sup>th</sup> container (126-150)
- An additional \$125 is required prior to placement of 151<sup>st</sup> container (151 – 175)
- An additional \$125 is required prior to placement of 176<sup>th</sup> container (176 – 200)
- An additional \$125 is required prior to placement of 201<sup>st</sup> container (201 – 225)
- An additional \$125 is required prior to placement of 226<sup>th</sup> container (226 – 250)
- The maximum cumulative special administrative fee is \$1,250.
- No term limit due to the requirement to consult with the Permit Officer prior to placement of each batch of containers.
- Adhere to Town Ordinances including Nuisance and Sign Ordinances.

Motion:

Motion made by Yoder/Brenner to approve the application by Newcastle Property Investments, LLC for a CUP for property improvements and placement of shipping containers at N8030 Sales Road, parcel #T07-16-16-26-01-003-00, with the conditions discussed with no term limit.

Borski, Brenner, Rickert, White & Yoder voted in favor of the motion. Motion carried 5-0.

Future actions:

The EPC will work with the Town Attorney to draft a CUP. After professional service (e.g., attorney) fees are paid, the CUP can be signed by the EPC.

Brenner adjourned the hearing at 8:36 p.m.

Respectfully submitted,

Jenna Borski

Secretary

Town of Eldorado Plan Commission