

SAUK COUNTY BOARD OF ADJUSTMENT

August 23, 2012 Session of the Board

PRESENT: Linda White, Chair
David Allen
Dan Kettner
Nick Ladas
Henry Netzing

ABSENT: Ron Lestikow, Alternate
David Wernecke, Alternate

STAFF PRESENT: Dave Lorenz
Brentt Michalek
Penny Pohle

OTHERS PRESENT: See individual appeal files for registration appearance slips.

Chair White called the session of the Sauk County Board of Adjustment (BOA) to order at approximately 9:02 a.m. The Chair introduced the members of the Board, explained the procedures and the order of business for the day. Motion by Ladas, seconded by Kettner, that the staff certified that the legally required notices have been provided for the scheduled public hearing. **Motion carried 5-0.**

Motion by Allen, seconded by Kettner, to adopt the agenda. **Motion carried 5-0.**

Motion by Kettner, seconded by White, to adopt the minutes from the July meeting. **Motion carried 5-0.**

COMMUNICATIONS:

None to report.

APPEALS:

- A. Sammy Nixon, (SP-21-12), a special exception permit to authorize filling and grading within 300 feet of Lake Redstone. The property is described as: S1380 Sauk Ct., lot 51 canary addition to Lake Redstone, part of the NW ¼, NE ¼, section 23, T13N, R3E, Town of La Valle.

Dave Lorenz, Environmental and Zoning Specialist, provided history and background on the request and reviewed the staff report provided to the Board and Applicant, as well as photos and video of the site. He then concluded with recommendations of conditions to be attached to the special exception permit if it is approved.

Sammy Nixon, applicant, appearing in favor of the request, wants to build a home. Gave background on the site history and problems with the previous contractor. Site is now in compliance and permits are current. The current boat house is permitted and under construction. The 2008 Board of Adjustment buffer condition will be initiated this fall after the boat house is complete.

White asked about the change in location in order to avoid digging into the banks.

Nixon responded that a surveyor has been out there multiple times to verify setbacks. The original plan was too close, and we had to clip one of the edges of the boat house.

White questioned if he had met the requirements of the Town of LaValle and if they are in favor of the plan.

Nixon answered yes to her questions.

Kettner expressed concern about being too close to the property line setbacks.

Nixon is aware of this and has corresponded with CPZ staff; he has learned his lesson about the setbacks.

Kettner talked about revegetation of the site.

Nixon responded that he has a plan to replant trees in the buffer, including a mix of trees, shrubs, and grasses to prevent erosion.

Terry Dowell, appearing in favor of the request, trying to meet all the requirements of the Town of LaValle and county. Will create swales and riprap to divert water around both sides of the house.

Bev Vaillancourt, Town of LaValle Chair, appearing in favor of the request, stated that the Plan Commission found a setback problem with the house and boat house and that the contractor took steps to correct the problems. She presented concerns from Tom McManamy about runoff on adjacent lot but these are not concerns of the Town of LaValle. Presented Exhibit VII-4 showing the adjacent lot layout. She has not seen Nixon's recent plans and would appreciate seeing them. Noted that the county will monitor the construction and has full faith in the local contractors.

Bert Kouba, appearing in favor of the request, expressed concern of Nixon's septic system and the gray water contamination on his lot.

White stated the BOA has no jurisdiction over the sanitary requirements and that can be addressed with the licensing agency and the plumber.

Seeing no one else wished to speak, Chair White closed the public hearing at 9:29 a.m.

Allen stated he is fine with the proposal.

Kettner concerned with tight fit of house and drainage around the house otherwise no problem with the proposal.

Netzinger was fine with the proposal but the county should monitor and follow the setback rules.

Ladas also fine with the proposal since the town and Plan Commission support the project.

White agrees with what was said and appreciates the Town of La Valle's support.

Motion by Allen, seconded by Kettner, to grant the special exception permit with the conditions of the Conservation, Planning, and Zoning. **Motion carried 5-0.**

- B. Donovan Greenwood, (SP-22-12), a special exception permit to authorize filling and grading on slopes of more than twenty percent. The property is described as: E4538 W. Redstone dr., lot 7 bluebird addition to Lake Redstone, part of the NW ¼, SW ¼, section 24, T13N, R3E, Town of La Valle.

Dave Lorenz, Environmental and Zoning Specialist, provided history and background on the request and reviewed the staff report provided to the Board and Applicant, as well as photos and video of the site. He then concluded with recommendations of conditions to be attached to the special exception permit if it is approved.

Kettner questioned what the black mass is on photo No. 2.

Lorenz did not know and said to ask the applicant.

Ladas questioned if the 8' wide access path is going to be gravel and its use.

Lorenz responded that is to get equipment down there to level out the proposed patio area.

White asked if the trees are going to be cut.

Lorenz replied that they were not.

Donovan Greenwood, applicant, appearing in favor of the request, there is an area there we have been using as a fire pit. He has been talking to Steve Sorenson and the contractor. The plan is to level out the area and build a retaining wall. The path for equipment will come through the trees.

Kettner questioned the black thing on the photo.

Greenwood does not know but suggested it may be a speck on the photo.

Kettner addressed the plan that was apparently made on July 1, 2012. There is a nicely wooded area between the house and the lake. Doesn't look like a lot of replanting of trees, not a lot of attention to that area. Curious if this is what you plan to do or leave the slope bare.

Greenwood stated the slope and vegetation is as it has been as it has been for six years.

White noted there are a lot of trees, and the path looks like it is going through a lot of trees. The photo is a lot narrower, there are a lot of trees remaining.

Greenwood stated that they are going to reseed the access trail.

Jason Sammons, contractor on the project, appearing in favor of the request, will work with Sorenson on the project and knows the rules.

White asked if the access route is going through the open area.

Sammons said no trees will be removed; will be working under the tree canopy and will follow the natural path.

Netzinger confirmed that no trees will be removed. He asked if any branches will be removed.

Sammons stated that no branches will be removed.

Bev Vaillancourt stated that this is an example of how a project should be done by following the proper procedures. Good neighbor and no objections.

Seeing no one else wished to speak, Chair White closed the public hearing at 9:49 a.m.

White commented that it is a good plan.

Motion by White, seconded by Netzinger, to grant the special exception request with the conditions by Conservation, Planning, and Zoning. **Motion carried 5-0.**

- C. Ray Zobel & Sons, Inc., (SP-23-12), a special exception permit to authorize the location and operation of a proposed mineral extraction site. The property is described as: part of the SE ¼, section 23, T13N, R4E, Town of Winfield.

Dave Lorenz, Environmental and Zoning Specialist, provided history and background on the request and reviewed the staff report provided to the Board and Applicant, as well as photos and video of the site. He then concluded with recommendations of conditions to be attached to the special exception permit if it is approved.

White asked where the flowage goes.

Lorenz informed that the drainage goes to the west.

White commented that there is not much runoff because it slopes in thick vegetation. Do not want standing water or to become an eyesore.

Lorenz stated that there is no problem with road vision obstruction. It is a mineral expansion site because of the time involved.

Ladas asked if it follows the reclamation.

Lorenz replied that it does and they submitted a reclamation plan, a bond, and show reclamation has been done.

Gary Zobel, applicant, appearing in favor of the request, presented a signed Town Acknowledgement Form dated July 17 from the Town of Winfield supporting his request-entered as Exhibit VIII. Wants a long-term mineral extraction permit to remove the waterway sediment. Will create a long wide waterway. Wants a ten-year permit. Ryan Bass and two others own the property. Haul out on a yearly basis. We already took some topsoil out.

Netzinger asked how high he thought the stockpiles will be.

Zobel replied that they usually make them 15' high.

Netzinger likes that when you get a 15' stockpile that you seed it. I am concerned about the weeds on top.

Zobel stated that they mow or clip them off and the dirt will not be there too long; only talking one season.

Tina Denman, registering as interest may appear, expressed her concerns on the length of time they will be mining topsoil. We live next door and are concerned about the dust, noise, etc. Questioned how this mining will affect the sale of their house which is on the market. She expressed concerns on this being a dangerous road year round. Talked about the increased truck traffic.

Gary Zobel noted they worked about two weeks and took out 3,500 cubic yards and did not disturb more than one acre of ground.

White questioned that the application says 4,000 cubic yards per year.

Zobel replied that 4,000 is pretty accurate. Original request was for five years and now requesting for ten years. Coming out on the Bass driveway on this phase. Not near the corner. Access is halfway between there, checked with the county and they did not feel it was a problem.

White informed that Zobel will be held to the testimony here (held to 4,000 yards/year).

Zobel replied that he understands and it is not going to be every day.

Kettner stated the hours are to be between 7:00 a.m.-5:00 p.m. and not on weekends.

Allen asked if this is the same as Pelton property.

Zobel said it was.

Seeing no one else wished to speak, Chair White closed the public hearing at 10:13 a.m.

White noted that it is pretty straight forward.

Allen has no problems with the request and stated the Zobel's are conscientious.

White asked the BOA if they have any concerns for a ten-year versus a five-year permit.

Allen stated that he does not have a problem with this.

Kettner questioned why changing from five to ten years. Think it is best to keep at five years.

Netzinger agrees with keeping at five years.

Ladas also agrees to keep at five years.

White noted that if you do a good job for the first five years, we may then expand to ten years on the second request.

Motion by Netzinger, seconded by Allen, to grant the special permit for five years with the conditions by Conservation, Planning, and Zoning. **Motion carried 5-0.**

- D. David Blackford, (SP-24-12), a special exception permit to authorize the location and operation of a proposed auction barn. The property is described as: S3771 County Road BD, part of the NE ¼, NE ¼, section 21, T12N, R6E, Town of Baraboo.

Dave Lorenz, Environmental and Zoning Specialist, provided history and background on the request and reviewed the staff report provided to the Board and Applicant, as well as photos and video of the site. He then concluded with recommendations of conditions to be attached to the special exception permit if it is approved.

White asked what the relationship of Dombeck is to the applicant.

Lorenz replied to ask the applicant.

White asked if a parking contingency plan is filed.

Lorenz stated they have not received anything about additional parking. It should have adequate parking.

White noted that you may get 200 people there.

Kettner questioned if parking is permitted along Hwy. BD.

Lorenz did not know and said that is up to the highway department.

Kettner noted the parking capacity is up to 50 vehicles. This is a safety issue.

Ladas asked how many parking spaces do you think are available.

Lorenz noted that the parking lot is established.

David Blackford, applicant, appearing in favor of the request, stated that most indoor auctions are around 100 people. The capacity of the building is 250 some people. Do not plan to build any walls. In

terms of parking, do not know of any laws against parking on Hwy. BD. Would not want to have them on the road. We will have someone in the parking lot directing traffic. The traffic is pretty limited with the new highway. We see between 10-30 cars in any given day.

White asked what is his relationship is to Dombecks.

Blackford is just renting and will have estate type items, collectables, and antiques. Will have a resale presence. Items not sold in a timely manner will be sold at an auction.

White asked if they are currently open.

Blackford said they are open for business.

White questioned if there is area to park on the grassed area in case successful.

Blackford said he spoke to the Dombecks, and there is a possibility to use an open lot to the north. Dombecks said it was used years ago for overflow. Have just been maintaining/mowing it even though it is not ours. Have not checked with the Sheriff's Department about parking on the road. May need to do notices to not park there.

White stated he should have a contingency plan.

Steve Cohoon, Tow of Baraboo representative/supervisor/town commission, appearing in favor of the request, said they have talked to the county and do not want him to modify anything. There is a stormwater control plan on the property. Never been any problems with runoff on the property.

White noted that he has listed that there will be one auction per week. She is inclined to not have a number. Asked if the town had any problems with more than one auction per week.

Cohoon replied that the town does not have a problem with this and that it was just left as it was done with the previous owner.

Warren Traeger, as interest may appear, stated that they are a little concerned about the noise. Do not have any problem if it will be in the inside. There is question of it being outside.

Blackford stated there is an operating plan for an indoor auction. Have talked to Warren and understand his concern. Response was only large items will be outside (vehicles, boats, etc.). It is a nice building. No intentions to do an outside auction at all. Working on a state of art projector to project pictures of the vehicles, smaller items, etc.

White agreed that it is a good idea to look at items on a screen.

Kettner asked if there is a PA system inside and any outdoor speakers.

Blackford replied that there are no outdoor speakers.

Seeing no one else wished to speak, Chair White closed the public hearing at 10:39 p.m.

White feels this is a great idea.

Kettner likes it but concerned on the noise. An outside auction concern understandable. This is inside, should not be too disturbing, good idea.

Netzinger does not want to restrict to inside. You get used to the noise when you live by it.

White stated the traffic noise is a lot less than it was previously with the new road.

Motion by White, seconded by Kettner, to grant the special exception request with the addition of Item G for no parking on Hwy. BD and the conditions by Conservation, Planning, and Zoning. **Motion carried 5-0.**

- E. City of Baraboo, (SP-25-12), an appeal of the Zoning Administrators decision to allow a proposed mini warehouse facility to be heard as a special exception permit in the Commercial zoning district. The property is described as: E11245 County Road W, part of the NE ¼, SE ¼, section 3, T11N, R6E, Town of Baraboo.

Dave Lorenz, Environmental and Zoning Specialist, provided history and background on the request and reviewed the staff report provided to the Board and Applicant, as well as photos and video of the site. He then concluded with recommendations of conditions to be attached to the special exception permit if it is approved.

Brentt Michalek, CPZ Director. A decision was made that warehousing and mini-warehousing is the same use. Warehousing was the current language in the commercial district prior to the August County Board action. We have a commercial zone which allows warehousing and an industrial zone which allows warehousing. When reviewing an ordinance, we take into consideration the past history. Our office had 20 years of this interpretation and to vary from this was not necessary. Warehousing under commercial seemed a more appropriate fit than a rezone to industrial. As industrial zoning brings with it the potential for smoke stack industries, and currently the only area we have zoned industrial is down by the retail establishment known as Delaney's on Hwy. 12. I believe the commercial zoning is more appropriate to this situation and it followed the comprehensive plan. Now it is not just the administrator's decision but the County Board has agreed to change the warehousing category to clarify the intent of allowing self storage in the commercial district.

White noted the history was agriculture and questioned if this agenda item is to determine if the case's decision was correct.

Michalek replied yes it is to determine if it is allowed under the ordinance.

Kettner asked if this in the City of Baraboo or Town of Baraboo.

Michalek replied it is in the township and surrounded on all sides by the city except for a corner. Since it is within the township's jurisdiction, it is under county zoning authority which is administered by our office.

White asked Liebman for procedural clarification.

Liebman, Sauk County Corporation Counsel, stated the BOA has the authority to hear appeals, special exceptions, and variances, and the project site is within our jurisdiction. Need to keep the two hearings separate. The upcoming case will deal with the review of the Zoning Administrator's ordinance determination. You are getting an opportunity to review that decision. This is a complex situation. I have worked with Brentt's department very closely on this. Don't view as a conflict. You can request fresh counsel, but I am willing to proceed unless there is an objection. I am here for procedural assistance. Proceed under the old ordinance as it has not been changed for this hearing. By the County Board's recent action, they were in agreement with the ordinance's intention on self storage.

Mark Reitz, Baraboo City Attorney, as a point of clarification this is a quasi-judicial board. You are sitting here not as a policy making board. It is an appeal that the Zoning Administrator made an improper determination. It is not appropriate to have other public comment. You are deciding whether your ordinance was ambiguous and interpreted properly. Question is what is the difference between warehousing and self storage. The county says self storage and mini-warehouses are allowed under commercial zoning district, and the City of Baraboo says that language is not in the ordinance. Wisconsin Statutes do define self storage as real property. The statute makes a clear distinction and self-storage facility is not a mini-warehouse. Referenced the Village of Stoddard case. I believe there is case law out there that self-storage facilities are not in fact warehouses. The ordinance in question has been amended. That is not what we are looking at this morning. On June 20, 2012, Michalek made a determination that this was an appropriate interpretation. If it was included in the ordinance, there would be no case to modify the ordinance. Self storage is not a warehouse under Wisconsin statutes.

White had questions on defining ordinance language and definitions. The Zoning Administrator made his decision on June 20, 2012, and we need to base our decision on the ordinance language at that time. She noted that the County Board could have asked for more clarification or approve the change as recommended. They approved the wording change.

White questioned what the next step will be and if the next BOA application is valid.

Reitz stated that procedural process is very important.

Kettner asked if someone else comes in today and applies for a mini-warehouse, would there be an objection.

Reitz commented that it now says that but it was not back then.

White noted the need to discuss if any other options will be allowed at this time.

Netzinger informed that the County Board had a long discussion on this. Our decision has to be real narrow. Asked to address the Sauk Corporation Counsel again.

Liebman stated that the CPZ Department has consistently interpreted the zoning ordinance as the current Zoning Administrator did. The statute that the City of Baraboo sighted deals with consumer

protection, and I do not feel it is applicable to this case. I am not sure if I advised Michalek with the decision, but I did review the communications regarding his opinion.

Attorney Reitz again referenced the Village of Stoddard's case and feels the State statute is relevant. The industrial zoning district defines both storage and warehousing, where the commercial district only defines warehousing.

Seeing no one else wished to speak, Chair White closed the public hearing at 11:25 a.m.

White stated that the intent is what we look at here.

Netzinger stated while sitting on the Planning & Zoning Committee that we did have a case in front that was commercial zoning for mini-warehousing. We allowed it then. Therefore, the past practices are that way and I know which way I need to go. No codes are 100 percent clear. They are a moving target, and you can never cover everything. I fall back to past practices and have to go with it.

Ladas noted that if storage and warehousing are the same, I think I am going with Director Michalek. If I would have had to decide in June, I would have said mini-storage would have been allowed.

Allen stated that they are the same.

Kettner said his inclination is to say warehousing, self storage, and mini-warehousing are allowed under the commercial zoning.

White said I look at the intent and do not see the intent to exclude mini-warehousing. See this as being an appropriate usage of the ordinance.

Motion by White, seconded by Netzinger, to uphold the decision of the Zoning Director under 7.09(2)(b) 15. **Motion carried 5-0.**

There was a brief recess from 11:28 a.m.-11:36 a.m.

- F. Norbert Moy, (SP-20-12), a special exception permit to authorize the location and operation of a proposed mini-warehouse facility. The property is described as: E11245 County Road W, part of the NE ¼, SE ¼, section 3, T11N, R6E, Town of Baraboo.

Dave Lorenz, Environmental and Zoning Specialist, provided history and background on the request and reviewed the staff report provided to the Board and Applicant, as well as photos and video of the site. He then concluded with recommendations of conditions to be attached to the special exception permit if it is approved.

White stated this application is for the special exception for the use and that a land use application will be needed for the buildings.

Lorenz informed that the special exception is for the use.

White noted that as far as the permit is concerned, we have altered the scope of the project, and questioned if BOA can do that.

Lorenz replied that the BOA has the ability to adjust the size, number of units, screening, and setbacks.

White asked what the total number of units are.

Lorenz replied that it would be best to ask the applicant.

Norbert Moy, applicant, appearing in favor or request, presented some drawings and entered as Exhibit VIII. We have done other developments in the Baraboo area (Wynsong subdivision, etc.). Son has operated a business in the city and has 30-40 employees. Own a fair amount of property in the city and township. About five years ago we applied to put a storage unit in a field and were going to make an access to Blackhawk-providing them a second access. Were told this was prime property. About a block off of Casey's General Store. It was city property and told no. Nothing on the property today. My partner Sherman talked about putting self storage just west of the property we are currently dealing with. The response was that they were not interested in mini-warehousing in that area. Response was to find some other property. So we pursued buying the 29 acres. Talked to Tom Pinion, Baraboo City Engineer, and said that as long as over 20 acres, we would be able to develop it. We got an offer to purchase the 29 acres. Then going to the township, even though the 29 acres was a separate parcel, we needed a Certified Survey Map (CSM), and the city would need to sign the CSM. We negotiated to buy the entire property, no CSM was needed, and the city did not have a seat at the table.

White asked about the acreage location.

Moy responded there are 29 acres on the highway and 39 acres going back further. Developing under half of the property.

White asked if 800 units are anticipated in the future.

Moy replied they do not feel there will be a need for that many. Did a needs study and 360 units are adequate in phase two. Need visibility for the warehouse which is along the highway.

White asked about the color scheme and what they will look like.

Moy referred to Sherman for an answer when he presents. When bypass put in, lost units and people have needed to go out of the area. Will have heated buildings and temperature controlled units. We are planning on staying on the south side where it is level. We are planning to have a fenced in area with a code to get in through the gate. There is a five-foot wide hallway.

Ladas asked if the concerns of the Baraboo Fire Department have been met.

Moy stated yes. We have a drawing here and that our engineer can address this.

Sherman Raschein, appearing in favor of the request and is a partner with Norb and Tim Moy. Have been in the self-storage industry for 16 years. Want to build a high-end facility that none of our competition has. It will be a gated facility and climate controlled. Colors are planned to be evergreen

and sandstone. There are a lot of green trees and big buffer; they will match up the best. There is a lighting and landscaping plan. It will have a 70' setback. Nice ornamental rod iron fencing along with gate with a touch pad for access. The color scheme, Exhibit VIII-2, was submitted. We have agreed with the hours and are working hard to make a very nice facility here. Adjustments can be made in future phases.

White asked about the occupancy rate.

Raschein replied that it is phased - when you cannot meet a customer's needs or running out of space, you add a phase. They are month to month rentals. The average renter is for less than 12 months. Some of the units will be heated by forced air, down the hall, through the ceiling. It is a 5' hallway and 4' wide door. The vast majority is for offsite office type storage. It will be well lighted and music pumped in. Cameras will be placed down the hallways.

White asked what the trailer park will see.

Raschein stated they will see the back wall of the storage unit. Provided photos of the property that were entered as Exhibit VIII-3, and VIII-4. Relatively low buildings with back wall height at 8'4" with a 4/12 roof. The fencing needs are still being discussed.

White asked if the remaining land will remain cropland.

Raschein replied yes.

Netzinger questioned if possible to move the units back and have commercial in the front.

Raschein replied that they need the visibility and want to show that it is a high-end facility and secure.

Erik Henningsgard, RAMO, LLC, registering in favor, clarified that the project area is about five acres, and there is a steep slope in the back. The original applications included higher number of units, because thought it may be extended further back.

Kettner asked if the structures along South Boulevard are going to be removed.

Henningsgard replied yes.

Kettner asked if they are salvageable.

Henningsgard replied that they are not. Regarding the emergency vehicle access concerns, we use an auto turn program and we can create drive paths. Used a 47' fire truck for the diagram. The City of Baraboo Fire Chief had raised some concerns and had done some testing and with a 33' truck. The city has been opposed to this every step of the way, and they continue to look for ways to stall. We are above the requirements of the town's driveway ordinance.

White asked what is the access into Farm & Fleet.

Henningsgard stated the main entrance is 25' wide which meets the town's requirements. On the original plan our driveway was not directly across from Farm & Fleet and now we are. These are single story and would not need the bigger trucks. Raschein added to his building layout a fire barrier/fire wall in the center of both of the longer climate controlled buildings on one side of the walkway.

Kettner asked if the gate will slide or open up.

Henningsgard replied is a cantilever up.

Ladas questioned why the City of Baraboo used a 33' truck, and it was very difficult to work. You are using a longer truck and it works.

Henningsgard said the 47' foot truck works, but we are willing to work this out with the Baraboo Fire Department.

Ladas noted that a sprinkler system will be needed.

Henningsgard said that Raschein will answer this.

Kettner asked how the gate will open during a power outage.

Henningsgard deferred the answer to Raschein.

Steve Cohoon informed that the town plan commission reviewed this on June 28, 2012. We put on some stipulations, and the driveway and siting approved by the county. Stormwater and erosion control are in place.

Mike Cone, appearing in favor, stated government agencies should not control what a property owner does with their land. This property has been for sale for four years. No other offers besides Moys. There are a lot of materials in the house that are in good condition. The city wants that property to be the gateway to the city and expressed his feelings on the gateway situation. In favor of the Moys putting up their units.

Raschein presented three pictures of the proposed gate that were entered as Exhibits VII I- 5-7. It is a two-part gate with a 12'-14' wide entrance. The more control you have the better, wider allows someone to sneak in. There is a manual way to open it due to a power outage or the fire dept will be provided a key. It is an all steel building with a firewall.

Mike Palm, City of Baraboo Mayor, appearing in opposition, referenced the City of Baraboo's August 16 letters. The City of Baraboo is requesting denial of mini-storage units at this location. I do believe that the Town of Baraboo does not provide services. Because of the time of the public hearing, many people were not able to attend. Asked that emails be made a part of the record. The application and plan set is minimal. All of this land drains into the City of Baraboo. You have the fire department's letter. BOA has denied a warehouse request in the past on Hwy. 12. Want you to understand we are not against mini-storage units but the location for these units. In the event you approve, the concerns that need to be addressed are the setback from South Boulevard, the stormwater plan needs to meet the city's plan since we are the receptors, landscaping plan, if an office, adequate sanitary facilities. Keep in mind

there is sewer and water. Questioned the lighting plans. It was mentioned that the taxes were raised and noted that not by the City of Baraboo. Does not fit Comprehensive Zoning Plan.

Netzinger asked why don't you have an ET agreement.

Palm replied the City of Baraboo was successful in putting one together with the Town of Greenfield and boundary agreement but could not reach an agreement with the Town of Baraboo.

Kolleen Kaul, registering in opposition, manager representing the Blackhawks owners and residents. We don't have problem with the building. I have a problem with the whole facility, because we most definitely know it will affect our home sales. Concerned about the lighting, the stormwater and water drainage, the activity and noise level, and the safety. There are 315 homes and manufactured homes. We have people who work different shifts. Problem with the fact that my boss was not given the sheet of where everything is going to go and the pictures. I think the public should have access to the paperwork.

White noted that he said he had to buy more than 20 acres. They cannot go beyond the boundaries of what are presented today. We can approve, deny, or table. Asked how many of your 315 residents have storage units in the area.

Kaul replied quite a few of them. Blackhawk is to the east, the south, and to the west not to the north. Residents are all around the property.

Kevin Stieve, appearing in opposition, City of Baraboo Fire Chief, confirmed that the BOA has the letter that was drafted and sent to Raschein and Moy. They have changed their plans to include fire walls. If you look at the plans for 47' fire truck, note the southernmost portion, it appears the truck will run into the building. Our trucks will not fit in. We did some testing with traffic cones and have concerns about the trucks being able to fit and we need access to the entire complex.

Kettner questioned if there are other self storage units in their fire district/area and how they meet their requirements.

Stieve replied that they have not done an analysis. Our ladder truck measures 47' 3.5". Concerned with life safety, fire fighter life safety; so will use a ladder truck if more safety provided.

Ladas asked about code requirements for fire protection.

Stieve stated that this will need to be checked on.

Neal Vanloo, appearing as interest may appear, representing Blain's Farm & Fleet, we have heard about this by word of mouth. No direct contact. Heard about the alignment of the driveways. Asked if there have been any daily average traffic counts taken. How far back is the setback of the gate. Concern if there is a straight truck and a car turning in and the room available to get off the highway. Haven't seen any of the plans. Blain's Farm & Fleet is extremely concerned about the runoff and stormwater. The store had 18" of water in it during the 1993 flood. There have been improvements done since the flood. I urge you to look at the stormwater and work with the City of Baraboo. Questioned if anything has been applied to the state DOT for access points.

Dennis Thurow, appearing in opposition, District 9 alderman and serve on City of Baraboo planning commission, noted there are considerable differences between the plans and they are being presented today. Need to look at the stormwater runoff; concerned it is going into the city's system. There needs to be some delay and be able to see the plans. The fire safety is a serious issue.

Tom Pinion, appearing in opposition, is the Baraboo City Engineer and Zoning Administrator, briefed on the contacts they have had the last six months. Commercial development did not mean mini-storage unit. He reapplied in June for a permit. The city has no direct authority. Questioned the different number of units being discussed. We do have a concern about the driveway. Sauk County Highway Commissioner, driveway application requires both approval by the city and the town. Magnitude was unprecedented, the city has had several applications for warehousing in 19 years and the county CPZ has not been consistent on handling those requests. The site plan showed a handful of parking stalls. What about the pedestrian patrons who want to access. No parking provision. The fire department cannot have access due to layout. Developer has not provided enough info in a timely fashion. The applicant needs to provide more information, and I encourage you to deny this. County staff asked for the information more than three weeks ago and did not receive it.

Raschein stated the average daily traffic counts are 5 cars/day per 100 units. They are site specific.

Kettner questioned how many in phase one.

Raschein replied that phase one has 282 units and phase two has 180 units totaling 462. This is going in front of different boards. We just met with the fire chief and are scrambling to do what he requested. This is a construction process and things change.

White stated she sees a public need for this. There has been a poor job of public relations. Question if we postpone for 60 days if you can provide all the information.

Raschein our process was not to show the public, but we could do it in a timely manner.

White questioned why the fire department says they won't work.

Raschein noted that he has had over 900 of these built and knows it will work. We are not trying to get away with anything. We are going to build the nicest facility in the area. We do not need 60 days; we could do it in a day. Unfortunately, we wonder if we can come up with a plan that will be acceptable with the city.

Kettner questioned how people get access to the interior of the units through the inner core climate controlled hallway.

Raschein replied they drive up next to one of the entrances (canopy area/staging area) and take in.

Kettner asked if cars are parked at ends of buildings, can emergency vehicles get through.

Raschein replied that if there happens to be a fire, our buildings are complete steel. Fires start because they put electricity in the unit. If there happens to be a fire in the unit, everything will burn, next to it will melt.

Allen questioned why one person says the fire truck will fit and one says it won't fit.

Raschein replied that there are thousands set up this way.

Kettner asked if the ends where you have the fence could be expanded, not move the buildings, to make the turn more manageable.

Raschein replied that the further back we go, the higher up we get, but yes we could do it. Concrete on the ends.

Kettner said to bring forward to negotiate a turn in the driveway.

Raschein said that 40' in the front. That should be adequate.

Ladas asked about the stormwater plan.

Raschein replied they looked at the county, state, and city's plans and have gone above and beyond them.

Kettner asked do you feel your detention pond will satisfy a worst case scenario.

Raschein replied we certainly hope so.

Allen noted stormwater being a concern, but it would have to be dealt with with no matter what type of business.

White read into the record portions of letters/emails and entered as Exhibits IV-13 through IV-18 and IV-20.

Seeing no one else wished to speak, Chair White closed the public hearing at 1:49 p.m.

Allen confirmed that the town is favor. What bothers me is the lack of cooperation between the City of Baraboo and the builder. The builder is willing to do what is necessary.

Netzinger stated it is sad that the township and city are not working together. Look at the gateway now and see what you have there. The builder is in a planning stage, and already incurred a lot of expense. I do building inspections. I have not been given a very concrete reason to say no. I think there is a need for mini-warehousing. Controlled environment is nice. Grant phase one and then phase two after proven.

Ladas noted that I see a builder here willing to do everything that needs to be done and understand the need to keep it in the open. Couldn't we make the aisle wider because of the fire chief's concerns regarding being able to negotiate the turn.

Netzinger discussed making wider aisles to manipulate the vehicles through. If this works in other communities, then it should work here. If you make the pavement wide, you have more stormwater runoff.

Kettner stated that from what I have heard the aesthetics concerns do not seem to be an issue. It will blend in well enough. Not concerned about the noise. There are not a lot of traffic problems. I do not see as a problem. I would love for you and the fire chief to get together to make it work. If it works in other communities, it should work here. I would like to see greater cooperation of all parties. Am inclined to grant this.

White stated she is concerned with the map here on phase one, but a consensus on phase one can be worked out. The map is not adequate for fire protection. If they fence around it, it is not doable. Thought I would hear what types of businesses would be better suited here. My inclination is to have more information be brought to us.

Netzinger noted we are just giving permission to use the land not the building. Building inspectors are involved. This is just one step in it. Could wait 30 days for more information.

White could give up to 60 days.

Liebman recommended to postpone to a certain meeting date.

White suggests to postpone and ask for more information, show how to make phase one work and come back for phase two, work out with fire department, fire walls, pick out the fence, bring back pictures to show where the fencing will be, these are the typical lights.

Raschein noted that lighting information was attached on the back of the information provided. This is a process. We have a considerable amount of money tied up already.

White stated that my inclination is to say it is an okay project.

Raschein confirmed what information the BOA is looking for and to put together as a packet. Contact CPZ Department for current info.

Allen questioned if there should be an informational meeting.

White replied that is up to them to disseminate.

Lorenz asked if postponing to a specific date and/or the next BOA meeting.

White said to have them back on a certain date.

Lorenz informed that the next BOA meeting is scheduled for September 27.

Motion by White, seconded by Kettner, to postpone until the next regular meeting in order for the applicant to bring in more information and to make more information available to the public to create a comfort level for the public. **Motion carried 5-0.**

Kettner stated that he is not opposed to the project. We just want a couple of concerns dealt with and that it is safe and have it worked out. You have made some adjustments and that is great. We want to make sure everything is taken care of.

Motion by Netzing, seconded by Allen, to adjourn at 2:14 p.m. **Motion carried 5-0.**

Respectfully submitted,

Henry Netzing