

**SPECIAL PLANNING COMMISSION MEETING  
PUBLIC HEARING AND CLOSED SESSION MINUTES  
VILLAGE OF NORTH PRAIRIE  
MARCH 18, 2024 at 6:30 PM  
NORTH PRAIRIE VILLAGE HALL -130 N HARRISON STREET**

- The meeting was called to order by Chairman G Nickerson at 6:30 p.m. in the Village Board Meeting Room.
- Roll was taken with the following present: Chair Gary Nickerson, Trustee David Stellpflug, Mike Schreiber, Mike Radomski, Al Mull, Tim Paulson and Nick Treder.
- Also present: Village Attorney Eric Larson, Deputy Clerk Pauline Wigderson, Attorney James Hames, Sandra Mueller, Robert Laue, Robert Hanson, Laurie & Mark Heibober, Jake & Michelle Trossonic, Kathleen Themling, Duane Atwater, Dave Schroeder, Katie, Matthew & Isabella Michelberg, Jarrod Schwantz, Gary Schaefer, Colton Mueller, Mikayla Laue, Terrance Anderson, Hunter Laue, Julie Anderson and Robert Reddington.
- Pledge of Allegiance was recited.
- It was noted that proper notice of this meeting had been posted in accordance with the open meeting laws of the State of Wisconsin.
- Announcement of Closed Session pursuant to WI State Statute §19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.
- PUBLIC HEARING: To Receive comment on the Business Plan of Operation, Site Plan and the Conditional Use Permit request for Laue's Landscaping & Design Solutions, Inc at property located at Hwy ZZ & the Railroad Tracks in North Prairie, WI 53153. Tax Key Number NPV 1565999001.  
**Motion by Gary Nickerson, second by Tim Paulson to open the public hearing. Motion carried.**  
Each person speaking at the public hearing was sworn in before they spoke.  
Gary Nickerson, Chair of the Planning Commission stated, "We are here today pursuant to an order from Waukesha County Circuit Court to reconvene, consider and act on the conditional use permit for Laue's Landscape and Design. I will ask the Village Attorney to read the relevant provisions of the court order."

Village Attorney Eric Larson, "By order of the Waukesha County Circuit Court, the Planning Commission shall reconvene, consider and act on the conditional use permit application submitted by the plaintiff, Laue's landscaping and Design Solutions Inc, seeking issuance of a conditional use permit for the outside landscaping and Design Solutions Inc, seeking issuance of a conditional use permit for the outside storage of building materials associated with the operation of the retail business in accordance with the provisions of section. 4.10 E, of the zoning code of the village. Of N Prairie. The Planning Commission may, but is not required to conduct a public hearing, but in all events the Planning Commission's review of this matter shall be undertaken in an expeditious manner. Considering and acting on the application for the conditional use permit. Following the requirements of Wisconsin statute section 62.237 DE and shall adequately express the reasons for its decision on the record. Before the public hearing is opened, does the applicant have any procedural concerns or objections regarding to this matter before we proceed, is the applicant prepared to proceed? I will make the motion to open the public hearing concerning the application of Laue's, landscape and Design Solutions Inc conditional use permit permits for

outdoor storage, section 4.10 E of the Village of North Prairie Zoning Code. Related site plan and plan of operation during the public hearing, the applicant will present witnesses, evidence and testimony. Following the applicant's presentation, the Village building inspector, may also enter information into the record. After that, all interested persons wishing to testify will be heard. All present persons presenting testimony will be sworn in under oath. And we are going to request that all persons testifying keep the comments to five minutes per person.

Attorney Hames, "As I indicated, I represented the petitioner in this matter, and we're here tonight to. to present additional evidence for this public hearing. We submitted the application and various documents. The business is a permitted use in the current commercial zoning and it is the outdoor storage that requires the conditional use permit. Would I be fair, it would be correct for me to assume that. The materials have been submitted, and we should not have to formally resubmit them? It also has a retail use. The court made that specific finding and the reason we're back here is to consider the application for outside storage of building materials. The conditional use is just for the outside storage, but it is. fair to have a good presentation before you of the business itself."

Sandra Mueller, What was submitted was an application for conditional use and this is under section 4.10 E, and if you look at the zoning code, that particular section. I believe there are two. Perhaps three conditions that your ordinance requires to be met in order for a conditional use to be issued. The 1st condition says that the storage of building materials shall be at least 600 feet from residential properties located in the Village. We've submitted a map to you of the area which shows there are no residential districts in the village located within 600 feet of this property. In fact, the only property in the village within 600 feet is your industrial park, so that condition is clearly met. The 2<sup>nd</sup> condition is that there be a buffer yard. The ordinance says plantings in the buffer yard shall be predominantly of evergreen trees and shrubs now. The map shows a planting of trees, two species. Norway and some white pine 850 feet in length, running parallel to the railroad track in the back and the buffer area will be 75. Feet in depth. The back, which is runs parallel to the railroad tracks would not need a buffer. We don't believe that any other buffer would be required, but if there is, and if you can identify it. For us, we'd be happy to take a look at it. The 3<sup>rd</sup> condition says that the storage for building materials area. What is called building materials. If you want to use that term about mulch, decorative stone, topsoil, grass seed, and that type of thing, those items will be stored in concrete bins as opposed to on the gravel for the adjacent properties in the Village and there are no adjacent properties in the Village. There is highway, farmland and some residential properties in the Town of Genesee. In preparation for this hearing is we put together some videos measuring the noise of machinery on the property. We have submitted a site plan, hours of operation, conditional use permit, decibel levels of the equipment. There will not be any storage of salt (for sale or for use by the business) and no fuel. The video of the equipment was played showing the decibel levels. North Prairie does not have a noise ordinance, so they provided the Village of Summit's. We are working with Waukesha County about the placement of the driveway, and the location must be approved by Waukesha County. The driveway permit and stormwater must be approved by Waukesha County. The Village Building Inspector can issue the erosion control permit. A greenhouse that is going to be installed which, it's like more like a temporary structure and there will be a work trailer that would be on the property as well. We would like to thank Commissioner for their consideration. The documents we submitted, the site plan, plan of operation, the narrative, exhibits and the videos.

Hunter Laue, I went to school and grew up in the area and I am in favor of the business, and just wants to run our business.

Trisha Vukodinovich, I'm the owner of Apple well and pump systems. I've been in the business and Industrial Park for 30 some years and. It has grown, but not by any great substantial means, you know, it's kind of been there. I think we need more business. That this use of this land, is the best use, and as far as noise goes, there's a lot of noise over there already with the gravel pit, if you bought your property next to a gravel pit, you're going to have noise. That's unfortunate, but that's the way it is, I think it's a great business. I think North Prairie could use the additional tax basis and it's a great, great business. He's been in business for many years, and I think he would be a

great asset to the North Prairie community. I just think he's a good businessman and I think. He would be happy to have him on board.

Micheal Laue, I agree we should be here. I ran the sales yard in Dousman. You know, all we did was bring the community together. Whether we did the parade or helped Derby days, and you know we just want to bring our business here because we can't do it Dousman anymore and work with the community here.

Bob Reddington, I bought the pit and restored it. It was actually a filthy junkyard. There was oil contamination vehicles, and I built the berm. I have health reasons, so I'm not pursuing anything for myself there, and that's why the pit has been idle for a few years and I prepared it for a business. I built the berm all the way around. I had a permit from the State. I could have filled it to the height of the highway if I wanted, and it's still fillable. The state will give a permit for that. But it's a perfect spot and a location for RC's business, and that's what I bought the land for was to use it in that manner myself, but not storage bins or anything like that. I was a grading contractor. RC and I have been friends since grade school, and he and I have worked together for years. His business is a clean cut operation and there will not be any complaint from anybody when they see his operation.

Colton Mueller, I'm here to support Laue's landscaping. As a contractor, I do work and I purchase materials through them, without them having them it does make it a little more difficult for me to buy my materials from somebody else. I don't get contractor pricing at these other places. They don't run half the business of RC's. Great family, great company, great guys that work around them and everything and they really run a nice place to buy.

Jarrod Schultz, I have run multiple businesses out there. I know RC. I've known him for a long time, probably 20 or 25 years and I know Bob and Trisha and. I think you know Bob runs a real good business and I he keeps everything clean and he's a professional and I don't see what the problem of him running a business and I think it would be good for the Village to have. You know, somebody use that land for the tax purposes and I think you'd be a good asset around here for the Village.

Scott Blashing, RC's character is not in question here. I don't understand why you don't let the guy do what he's meant to do, what the town needs, it's it doesn't make any sense to me that that you can have rules and everything and then decide that he can't. Let him do what he has to do. Let him do what he supposed to do. Let him have his business. Thank you.

Greg Schaffer, I worked 30 years in road construction and been around a lot of noise. I retired four years ago, went to work for RC. I've known him for almost 30 years and the operation he runs is legit. Always helps the community out when they need it. Donates anything, they need. Hunters spends days digging for the Village Dousman when they need help with their water utilities, and just basically runs a really good business so, I am just here to support him.

Kent Breitenfield, I just want to echo what Greg just said about RC. I am in Road construction myself worked with RC and known him for 25 - 30 years. He done a lot of my landscaping, and he cares about the community, he cares about neighbors, he's just an honorable man. Well, anything that you guys can do to help him would be very much appreciated.

Michelle Trussoni, I'm one of the residents on the other side of the proposed business. I have a map that I had created you. There's one I'm on the right side of the. So we're here to address 4.10 E (10), as the attorney stated, and it states that all outdoor storage areas shall be at least 600 feet from residential properties in the industrial districts located in the Village. I utilized Google Maps and the measuring tool to measure the distances from just three of those storage units listed in the application. To the homes that face the property. I've used this tool before in my professional career for court purposes and it's been found to be true and accurate. So, I ask you all to take a look at the map and the key is on the left hand. Side it's. Color coordinated is to which house relates to. Which distance? What I found is that that the Heinornn and Mickelberg properties both measure under 600 feet to all free storage units that are listed. The higher end property measures under 600 feet to two of the storage units

listed, and the Atwater Themling property measures under 600 feet to the one of the storage units. So it states like we had said in the ordinance that the Planning Commission may waive or reduce that 600 feet separation. However, as you read further down in your ordinance, no one shall be granted a modification of the separation requirements if the Commission determines that the use will have a high risk of fire, explosion, noise, vibration order or generate traffic volumes in excess in the residential neighborhood. So now this relates to the outdoor storage because of what the business will be storing and in the application as she had stated, we'll be storing the topsoil, compost, sand and the various decorative stone and the pavers. These are materials that need to be brought in and the business will be relying on the heavy equipment. The trucks to make that happen. And when there's, then once they're there, it's the moving of the material we're concerned about to be delivered to the customers, which requires the operation of the equipment and all of this that we're concerned about, it would be causing the noise and the vibration. Maybe order, but definitely the traffic. If this was for say, an instance like a honey farm, and what makes honey bees? Bees are kept on the ground, so therefore trucks and heavy equipment aren't necessary, right? They're not relied on, so will the safety of Hwy. Traffic and noise and vibration really are not an issue as it would be with this with this business. We addressed noise and we recognized that from the previous meetings that we've talked about how the sound does carry down to our residences from that location. If we can just reflect on those conversations, the storage units are less than 600 feet to four to five houses in our neighborhood, even if that wasn't in the ordinance, the rest of the ordinance still lists the facts of the risk of fire, explosion, noise, vibration order and so on. Right and. The traffic volumes. And these facts come into play here, and we realize that we're not in the Village. And I'll address that with Ordinance 1.3. The general intent ordinance that every village, town, city. Excuse me, as this ordinance with nearly the same verbiage I found it's basically copy and paste and the intent is to protect and preserve and promote the community while conserving the land, and everyone, no matter what community they live in, wants to keep things appealing and comfortable. That's the reason for 1.3 these restrictions are in place to protect us based on general. So, the fact is that it says it shall be at least 600 feet in the ordinance. It it's not maybe or should be, but it shall. And we all know when the word shall is written in any document. It must be followed, especially in government. It must be followed, and therefore this application should be denied. I recognize that he is a is a good business and I understand that. But understanding where we're coming from as residents being next door too.

Jake Trussoni, I'll give you a copy of this for the record when I'm. Done just to make it easier. So, the facts of this matter have not changed simply because we're here again. Do it procedural mishap. My and our attorneys understanding of Judge Schimmel's ruling is that we and you all are to focus on your zoning Ordinance 1.3 and 4.10 E (10) storage of building materials. Your own zoning ordinance 1.3 intends as to lessen congestion and promote safety and efficiency of streets and highways. Your question 17 on form 11 plan of operation says this highway access permit needed from the state, county or village highway departments. The short answer is yes, one is the answer on the completed form by Mr. Laue is says. See Exhibit 21 will submit with the approved plan of operation. I don't have access to whatever exhibit 21 is. Allowing this use would be contrary to your own stated intent. Whenever the highway ingress egress issue had been brought up in the past, we were told it's accounting issue and would have. To be addressed later. So we had the county DPW come out and do a site survey of it. They provided some different information than what was given earlier. So even with the new proposed driveway near the Crest of the hill, the county says it would not meet the minimum site distance. So part of the e-mail from County engineering Jason Meyer, who works for Waukesha County DPW engineering. He says 55 miles an hour for commercial development, would need 990 feet of sight distance. The existing driveway is 287 feet of sight distance for westbound traffic. We also checked near the crest of the hill and down to crest. We're not able to meet the site, and standards to approve new access for landscaping business. The owner of this business would need to apply for a commercial access based on current conditions, improvements to the vertical curvature of County Highway Z will more than likely be required for the owner to obtain an access permit from our department. So that relates to county codes 15.53 and 15.55. So having heard Mr. Meyers assessment from County DPW, how could anyone approve this one? It's clearly contrary to the villages stated intent in the county, says the site. Sight distance is unsafe relating to. Right, your 410 E further your 1.3 intent also says to provide adequate air, sanitation

and drainage at the last meeting we demonstrated the outdoor storage of this business would be the opposite of this intent. Due to water patterns that move towards our wells, the villages, water tower, debris and dust in the air from outdoor storage operations of these materials. And how much noise this creates. I'm glad that the attorney said this was taken at the berm because as my wife mentioned, especially with the water behind us, the sound travels completely different through there and water amplifies sound. We've all been on a lake and we know how voices carry over a lake, so. Mr. Laue's application says he doesn't believe his outdoor storage would cause a problem with smoke, odor and noise, as with criminal law, a reasonable person standard begs to be applied. Here any reasonable person understands that all of this outdoor store material must material must be delivered, moved, and then manipulated for conference with large trucks and machines. With far reaching hours, six days a week. Allowed in the village, so intent further says in part the purpose is to stabilize and protect property values. The outdoor storage operation here would do the opposite for the five of us living in Genesee. It also mentions conservation of natural resources. We already talked about how it's close to an environmental corridor, so the outdoor storage operation close to that does. Caused some concern for me as it relates to that further and 4.10 E(10 ) understanding. We have to run these machines. I know that there be no fuel there, but I don't know how we're going to run them. So I believe that would apply though. And I, as I stated last time, the spirit of the ordinance must be interpreted versus the letter of the ordinance as it relates to the 600 foot rule in in the village. Essentially we're being penalized. Because we're not currently in the village, even though we've been told someday we're all going to be annexed and then my wife and I have even had a conversation. Do we try to accelerate that to protect us from these situations? So your ordinance says all outdoor storage shall not, should or maybe but shall be 600 feet from residential. Zoning. We she did show you evidence. How? Four of the five properties are within 600 feet and it says Shell very strong word. The same section says no, you shall be granted a modification of the separation requirement if the Planning Commission determines use will have a high risk of noise and. Vibration, which we. Have demonstrated in the past how this will have a high risk of noise and vibration affecting us and our property. Values in our residential district. Even if you don't believe that or don't care. I have read to you and will give you the e-mail from the county that says an issue related there is an issue relating to traffic into the site which directly relates to sub 10 mentioning traffic volumes. Please deny this conditional use. Permit. I feel we've provided enough. Cause to show why it's the correct thing to do. Thank you.

Matthew Michelberg, I am here presenting this letter of concern for my father, who is not here today. First and foremost, I thank the planning Board for allowing us to voice our concerns and outline the laws that should be applied to protect our homes and families. At the meeting in July 2023, the landowner, Mr. Redington, stated that the reason he petitioned to be annexed into N the village of North Prairie was because he had friends on the board, and he knew that he could do whatever he wanted with his land. The statement shook my faith in our government body. It is your civil legal duty to follow and abide by the laws of the land.

Matthew Mickelberg, I asked the Board to protect my family and home from a business that would be detrimental to our homes, health and property values. I ask that you enforce and abide by both village and state laws since the previous meetings we have discovered new information and laws that further support why this business and conditional use permit plan should be denied. The following bullet points of all the laws and reasons that are grounds for denial. Outdoor storage required to be 600 feet from residential districts. The village ordinance under 410E conditional uses 10 states that outdoor storage of building material shall be 600 feet from residential districts. This is not a should, but a shall be. This minimum of 600 feet is in place to protect our homes. In this community Building code requirements 88 American Disabilities Act requirements the village has adopted and follows Wisconsin Administrative Code, which in turn adopted the IDC International Building Code. It is our understanding that a primary permanent building structure is required before you can utilize A secondary structure, for example. You are not allowed to build a garage before building a house. The proposal lists two temporary non permanent structures, a job trailer that will serve as an office, and storage of bag products for sale and a green. House in 2018, IVC only allows these types of structures for a limit of 180 days. This business plan does not provide any details about what the permanent structure will be passed 100. And 80 days. Porta Johns. Simply placing A port-a-john for use by employees and customers at this retail business is not permissible by law.

Port-a-johns would not comply with the IPC because the code requires public facilities to be connected to the building, water and sewer system. There are provisions in the IBC and IPC with regard to construction that by default would disallow Port-a-johns. Since Laue's is a retail commercial business open to the public, they must be held to the same standard that every other new retail business in North Prairie, which includes access to the ADA complaint bathrooms, parking this plan chosen spot one through 35, requires 2. And the actual business office, according to the ADA website, enforceable by the US Department of Justice. And according to the code articles found there, plumbing fixtures drains. And appliances used to discharge liquid waste or sewage shall be directly connected to the sanitary drainage system of the building or premises in accordance with the requirements of this code. This section shall be construed to prevent indirect waste systems required by chapter 8 through 1.4 every plumbing fixture. Device or appliance requiring water with for proper orientation shall be directly or indirectly connected to water supply system in accordance with the provisions of this. An active business drive on a blind hill puts area residents at serious risk. Access to this property is extremely dangerous. The current access with Gate was never granted a permit through the county and poses a danger. We met with Jason Meyer, Waukesha County DPW engineering. Regarding this site, this location requires 990 feet of site distance for commercial access. Upon conducting testing at the apex of the hill, it clearly does not meet permit eligibility. Patient advised that an engineering firm will need to be hired to completely rework the entire hill to enable permitted commercial access. The semi trucks delivering mold, rocks and etcetera along with customer vehicles with trailers will not safely be able to enter and exit off of County Road Z. In fact, Jason mentioned a business inquired about this site for potential storage unit 4 years ago and was advised of the drive with visibility issues and chose not to pursue this location with limited time of choice to focus on these three issues. To illustrate why this proposal should be once again be denied in accordance with our laws identified. Thank you.

Isabella Mickelberg. I live on the other side of the railroad tracks as well, so I'm here tonight to share with you why denying the conditional use permit is imperative. I am a student at Bridges Virtual Academy, which means my classroom is in the front room of our house, less than 40 yards from the property line, I have been blessed to be able to do my studies at home. If you allow this business to open, it will be very detrimental to me. Knowing the noise from the machinery and vibrations from dump trucks will interrupt my studies and interfere with my classes, many of which require me to have my microphone on to participate in classroom discussions. The disruptive noise, along with the dust generated from the delivery and movement of dirt mulch, etcetera, would require me to keep the front windows closed and buy for one quite enjoy listening to the birds chirping while I learn Japanese biology, trigonometry, U.S. history and British. Sure, when the weather permits, I do most of my reading for school and my own pleasure outside traffic will be another distraction to my studies. And honestly, I feel very uncomfortable with the potential strangers looking at me through the front windows. I ask you to not deny the conditional use permit under Section 4.10E, as this business does not match with the statement of intent about not being detrimental or of the nuisance nature, the outside storage will be very close to my classroom and will quite directly affect my quality of life. Thank you.

Robert Hanson, I worked with several major fire manufacturers on creating silencers, so I have experience with actual decibel reading. That's not how it works. You can't tell me the ambient noise is louder than the tractor running. We all agree on that. So anyways, I'm going to go on the same thing as everybody else. The 4.10 E (10). Storage of building materials. All outside storage must be 600 feet. It's a shall be, is a kind of important word. I don't see why we're being penalized because we're not in the city. If you look at the letter of intent 1.3 it says surrounding areas not inside the village.

Kathleen Themling, I really feel that because we are not in the village of North Prairie and we are in the town of Genesee, a stone's throw from this property that we're just being penalized. Our lifestyle might be changed. I'm not saying that all these points would change our lifestyle, but it's a nice, quiet community and I'll disagree with the fact the gravel pit is such a big pain in the \*\*\*\* because it's not. We're up on the top of the hill, so we're going to probably catch a lot of a lot of sounds that maybe other people won't, and I do not hear a lot of sounds out of

that gravel pit. Yes, we have concrete trucks going by and we have the gravel trucks and we have the train. Those are all things that we can't do a thing about it. I mean, there's going to be, whether it be a gravel pit in our backyard or anything you're going to have trucks running up down that road regardless. We're concerned about our environment, our living environment, and so this is why we're here tonight. Because we're kind of feel like the community that doesn't exist, but we do. We're people. We live in this community, even though we're not in the Village of North Prairie, we live in this community as well. We want you guys to take consideration of our living conditions. That's what we're asking for today. I state that I'm against the proposal for the reasons that have been stated here tonight by my fellow neighborhood.

Mark Hannon, I want to bring up the noise again. You know, we've seen the videos of the reading, the noise of the back with the loader going forward, and we talked about the noise and industrial park and the backup alarms going off. But we didn't see any video of your loader backing up with your alarm going. So, what would the noise be on with the back up beeper? Well, I stand with everybody else. My neighbors. They should be denied.

Katie Mickelberg, I'd also like to state my address because it's S 55, W 32043 County Road Z, North Prairie, WI, not Genesee. I technically live in North Prairie, my mailing address, all the mailing addresses we are in North Prairie and we will eventually be annexed into North Prairie. We've discussed it the five of us what we needed to do to become annex, so we would be technically, protected. Last summer, you heard our pleas to preserve the safety and sanctity of our homes, and you responded in an appropriate manner, protected to the residents of this community. We are asking you to do the same. The North Prairie statement of intent clearly establishes why this business should not be granted a conditional use permit specifically that it would be detrimental to the surrounding area or to the village as a whole by reason of smoke, noise, dust, odor, traffic. Physical appearance or other similar factors. Also, this is listed conditional uses should not normally abut directly upon residential districts and that's not doesn't say, Genesee doesn't say. North Prairie it's residential district. And we are zoned R1. I checked with the county. All the business states there will be no older smoke noise resulting from the operation that was questioned 22 on their application. One would question the validity of that answer. How many landscape companies operate large equipment and receive deliveries by semis and dump trucks without any noise, dust or dirt. They will. They will be using heavy equipment and machinery, which are inherently loud. The Clean Air Act, title 4 from the EPA addresses such noise pollution, defined as unwanted or disturbing sound. Sound becomes unwanted when it either interferes with normal activities. Such as sleeping conversation or disrupts or dismisses. One's quality of life. Many of you were there one day when a truck came in and you all heard how loud it was because it's a unique, I guess, demographic on how it creates a bowl and the sound goes up and it bounces right back and it's amplified by the water. We will be assaulted by noise, noise pollution from this business, not to mention dust. Even if the yard is covered in rock, what will prevent the topsoil, compost, mulch, and any other items stored outside from becoming airborne on those hot and dusty summer days? Especially since they do not have a source of water on the site? It's not realistic, practical or enforceable, that they honor the claim that they will be watering down their yard. To prevent the dust, Please remember that when it rains, the contents of outdoor storage and yard will be draining into an extremely active aquifer that flows. Into the ground. Our private wells, some of them as shallow as 63 feet. The runoff also has the potential to affect the wetlands and the environmental corridor, due South of the property. This contamination risk also conflicts with your statement of intent uses, which are generally perceived as being of a nuisance nature. Or considered to be a hazard to human life, should not be permitted as a matter of right. Most importantly, under Ordinance 410 E(10), it clearly states all outside storage areas shall be at least 600 feet from residential park and institutional districts located in the village. Shelby. At least 600 feet. Not maybe or should be it says shall be. Shall is an unreputable strong word. All outside storage areas shall be at least 600 feet. From the newest site plan, all of the residential properties are less than 600 feet from the proposed outdoor storage property. This fact alone gives you the authority to deny the conditional use permit for outdoor storage at this address. While our properties zoned R1 are not technically in the village at this moment, we are in discussions to explore annexation. We are part of this community. Our properties touch yours and we share N Prairie mailing addresses and invisible line should not deter you from protecting the

long standing members of this community. We respectfully request you to once again deny the application for this permit. Thank you.

Attorney Hames, There are two conditions in your ordinance for granting conditional uses. One, the 600 foot requirement and while the shall be is being emphasized over and over, if you read this, the language of your ordinance, it says 600 feet from district located in the village. All right, the fact that you have a North Prairie mailing address doesn't change that. The requirement of your ordinance is 600 feet from residential industrial districts located in the village and there are none. That's undisputed. As far as the County driveway permit is concerned. I have a little bit of. concerned about the hearsay, this engineer said that engineer says say if the County requires a modification which is not unusual, for a driveway, an extra lane that has to be done in order to get the permit. All right, that will be dealt with at that time. The County can address those issues. We've talked to them, but you can't apply for the permit until the closing occurs and the closing doesn't occur until we get this matter resolved. But whatever is required by the County, it will be addressed. In the earlier court proceedings and and the hearings and the transcripts, the statement of intent, the statement of intent relates to the zoning of the property and what uses are permitted. That statement of intent. Was in your zoning code when you zoned this property for industrial use, you zoned it knowing that with that, because this is consistent with the statement of intent and everybody agrees this is permitted use. We're only here. For the limited purpose of outdoor storage for retail use. OK, we could operate the landscaping business without retail use at any time and this is here for that limited purpose. The ability just to have these for retail use and we think we've met all of the requirements, and again, Mr. Larson will advise you on all this. But you know, I could have come in here because I knew how this was going. To go frankly. With no information at all about decibel levels and so on. Because people come in at these hearings, have been many of them, and they make these objections and there's no basis in the record for the Planning Commission to establish. Conditions or criteria I offered to you as a part of our submittal and ordinance by a neighboring municipality which establishes decibel levels to give the Plank Commission a basis for evaluating those concerns and perhaps imposing conditions I'll. Tell you right now my client is not opposed to the granting the conditional use which would limit the decibel level as measured at the property line of the adjoining properties. If it's consistent with the ordinance that the village of Summit has, and I know from my experience is very pretty typical of these types of ordinances. We're not opposed to that. It has been included with the submittal to the Planning Commission, so that there's a basis here for the Planning Commission to evaluate these concerns. Thank you.

Copies of the readings from the public during the public comment section have been given to the Planning Commission.

No questions from the Planning Commission members.

- **Motion by Mike Schreiber, second by Al Mull to close the public hearing at 7:51 p.m. Motion carried.**

Attorney Larson reviewed paperwork to go into closed session.

- **Motion by Gary Nickerson, second by Tim Paulson to go into closed session at 7:55 p.m.  
Roll call vote: Gary Nickerson, yes; Dave Stellpflug, yes; Mike Radomski, yes; Nick Treder, yes; Al Mull, yes; Mike Schreiber, yes and Tim Paulson, yes. Motion carried.**
- **Motion by Dave Stellpflug, second by Tim Paulson to reconvene into open session at 8:46 p.m. Motion carried.**
- **Motion by Mike Schreiber, second by Nick Treder moved to table an answer on the conditional use permit for Laue's Landscape Design Solutions until a later date. Motion carried.**
- **Motion by Al Mull, second by Mike Radomski to adjourn the meeting at 8:48 p.m. Motion carried.**

Respectfully submitted.

Pauline Wigderson