
PLAN COMMISSION MEETING

VILLAGE OF HARRISON

From:

Josh Sherman, Assistant Planner

Meeting Date:

April 23, 2024

Title:

Conditional Use Permit – Crossroad Development, LLC – parcels 40386 & 40378 – Hwy 55

Issue:

Should the Plan Commission recommend approval of a Conditional Use Permit to the Village Board for a topsoil screening operation (resource extraction).

Background and Additional Information:

The Village Board approved a Conditional Use Permit (CUP) for Crossroads Development, LLC for the same operation and location as listed below during the April 25, 2023 Village Board Meeting. The Village Board approved an extension for this CUP during an August 8, 2023 Board meeting. This approval had an expiration date of November 10, 2023.

The applicant Crossroad Development is seeking a Conditional Use Permit (CUP) in order to screen topsoil, which includes shredding and pulverizing, at the property located at N9650 Hwy 55, wholly within parcels 40386 and 40378.

The property is currently zoned Business Park (BP). Resource extraction is a conditional use under Article 117-131 of the zoning ordinance and shall include but is not limited to, the removal for sale or processing of topsoil, fill, sand, gravel, rock or any material. Processing may include crushing, washing, or refining. Storing or stockpiling of such materials on the site is permissible.

There are residential properties within 600 feet of Location IDs 40386 and 40378. There are concerns for dust and noise.

The three lots directly south of the proposed site are owned by Gene Frederickson. These parcels are the closest neighboring lots in proximity to the shredder.

The applicant is proposing hours of operation as 7:00am to 5:00pm, Monday thru Friday. Erosion control will be established and maintained as needed with weekly site inspections and rain events. Equipment on premise would include a topsoil screening shredder, a loader, foreman trucks, a sweeper and skid steer as needed, and repair trucks as needed. The material would be stockpiled on the NE corner of Hwy 55 (material is already stockpiled there from the previous permit).

Basis for Approval: (from the Zoning Ordinance Section 117-319) Each item must be met in order to grant approval.

1. *Zoning. The proposed use conforms to the underlying zoning district intent and design standards and is in harmony with the general purpose and intent of this chapter. Where there is an existing nonconforming structure, the design standards of the underlying zoning district may be waived by the plan commission and village board.*

Resource extraction is a conditional use under the Special Provisions article, which fits into the current zoning of Business Park. Under Village code 117-131 resource extraction is a permitted use in agricultural or industrial areas as a temporary or transitional use with assurances that later re-use for other permissible uses and structures is possible.

2. *Plans. The proposed use conforms to the comprehensive plan and any other officially adopted plan.*

The proposed use of the property for resource extraction use conforms to the Comprehensive Plan as a conditional use.

3. *Traffic. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*

Access to the property is from an existing road, Hwy 55. It is anticipated that there will be minimal traffic entering/exiting the development on a daily basis.

4. *Landscaping and screening. Appropriate landscaping and screening has been or will be provided to protect adjacent uses or properties from light, noise and other visual impacts that are associated with the proposed use as established in article VI, Access, Parking, and Loading and article IX, Landscaping and Screening Standards.*

The applicant has a proposed silt fence in the site plan. The location of the shredder is slightly obscured from viewing the site off of Hwy 55.

5. *Neighborhood compatibility. The proposed use is compatible with the predominant or prevailing land use of the neighborhood surrounding the proposed development and whether the proposed use creates a nuisance due to noise, odor, or dust.*

The surrounding land uses are for commercial or business development. There are rural residential lots in the area. There will be minimal traffic for this business. Operations include the screening of topsoil.

6. *Services. Adequate facilities, access roads, drainage and/or necessary services have been or will be provided.*

Stormwater management is available. Roadway access is provided via Hwy 55.

Findings of Fact:

- Staff finds that the Conditional Use Permit request will comply with the Harrison Zoning Ordinance with the below conditions.
 - Property owners within a 300-feet of the subject property (parcels 40386 and 40378) have been notified via first-class mail.
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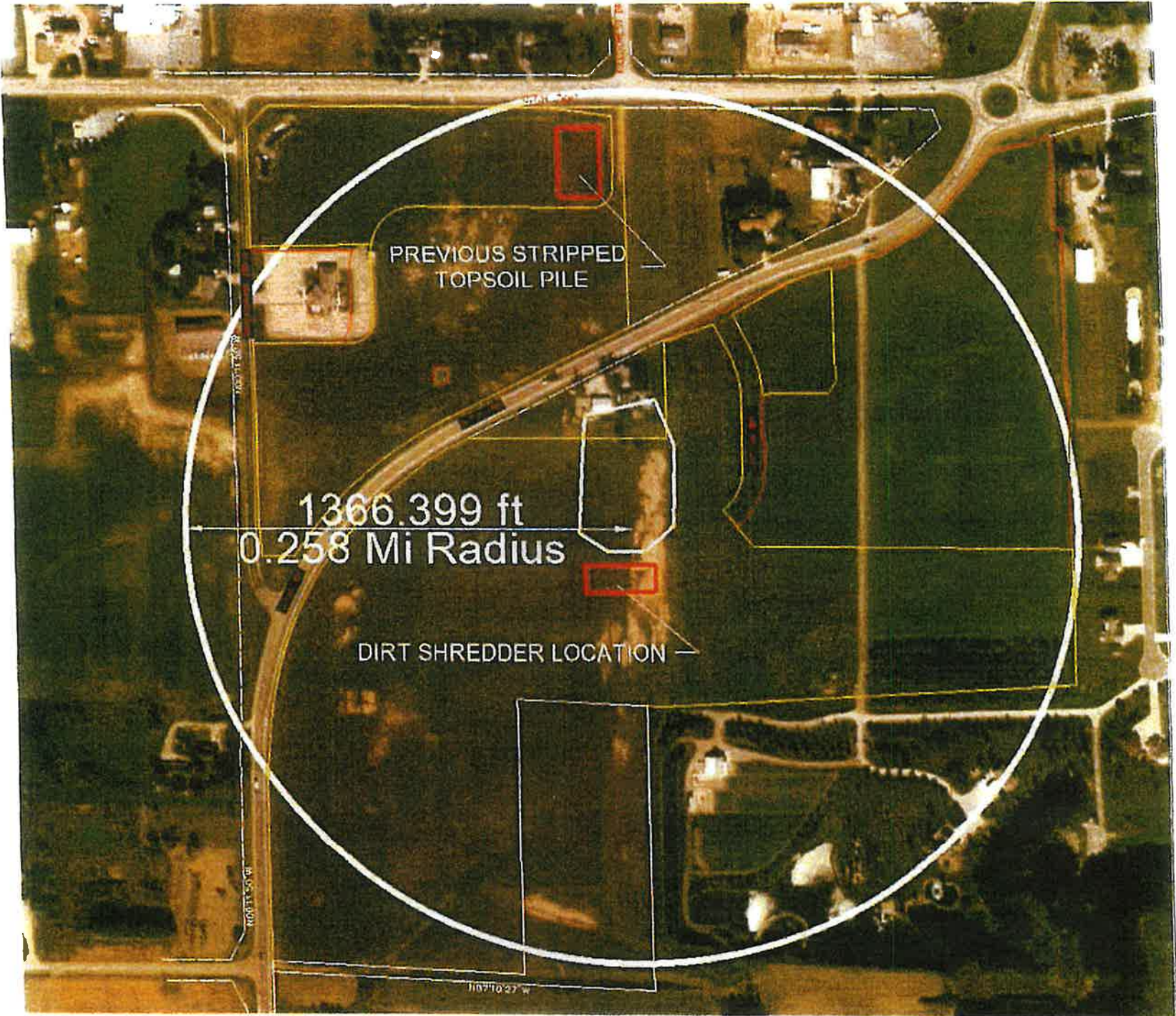
Recommended Action:

Staff recommends approval of the Conditional Use Permit (CUP) request with the following conditions:

1. All provisions of Section 117-131 – Resource Extraction of the zoning ordinance relating to resource extraction shall be met.
 2. All Local, State, and Federal regulations shall be met.
 3. No refining (pulverizing, shredding, ect.) shall occur during winds speeds greater than 10 mph.
 4. Shredder/pulverizing operations to be at least 500-feet from Hwy 55 property lines.
 5. All refining (pulverizing, shredding, ect.) shall cease on or before November 15, 2024
 6. Hours of operation shall be Monday-Friday 7:00am-5:00pm. No refining (pulverizing, shredding, ect.) shall occur on Saturdays or Sundays. The only activity to occur on Saturdays is for material to be hauled off site. The Plan Commission may approve different hours of operation upon request and review.
 7. The developer shall acknowledge the conditions of approval and agree to abide by all conditions. Failure to abide by conditions may be cause for revocation of Conditional Use Permit.
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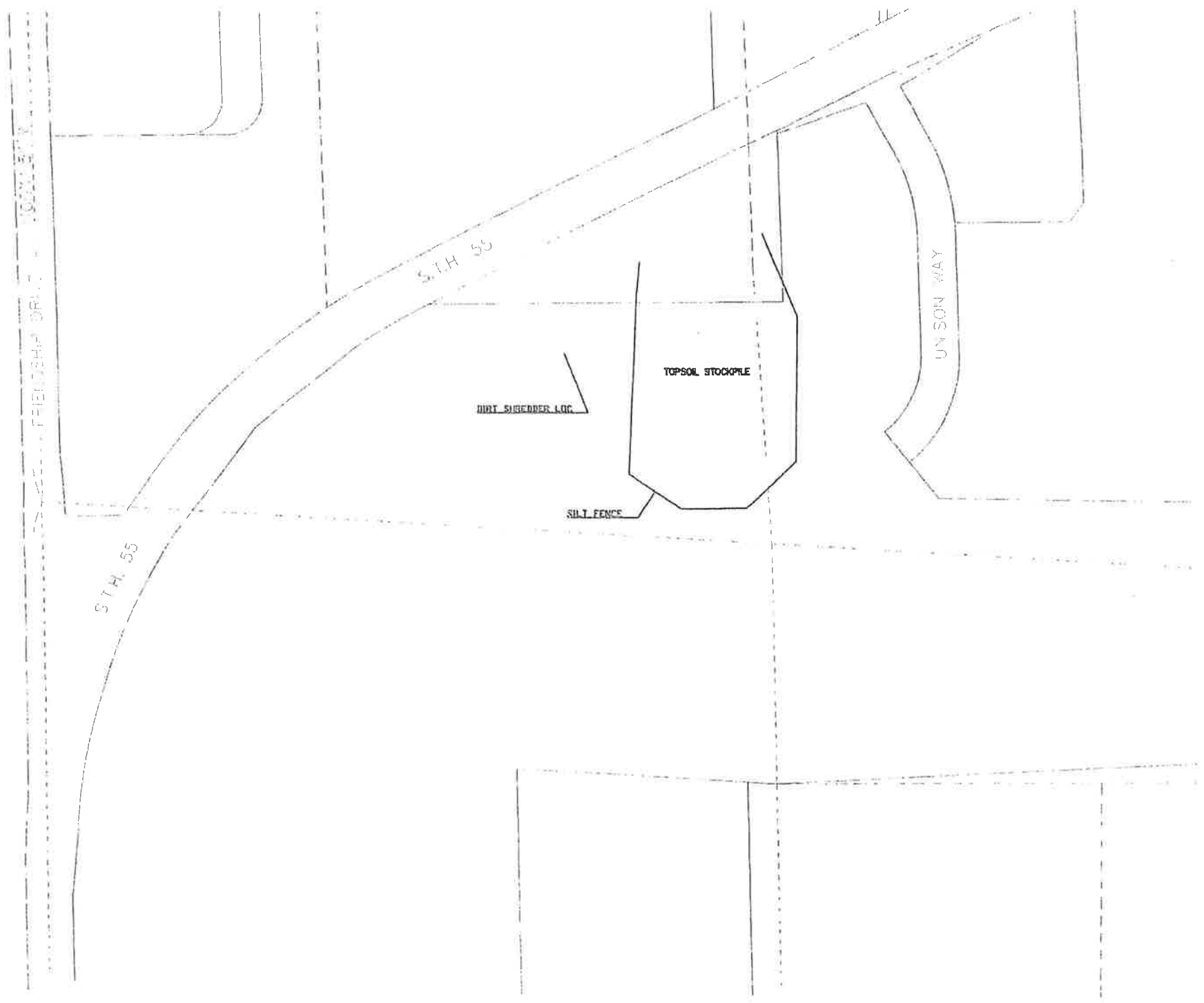
Attachments:

- Aerial Map
- Site Plan
- Location of Proposed Shredder
- Pictures of Site Equipment



Crossroad Development, LLC
Development Plan

1. Hours of operation will be 7am – 5pm Monday – Friday
2. Erosion control will be established and maintained as needed with weekly site inspections and rain events
3. Equipment would be
 - a. Topsoil Screening plant
 - b. Loader
 - c. Foreman trucks
 - d. Sweeper / skid steer as needed
 - e. Repair trucks as needed
4. Stockpile on the NE corner of STH 55 and Highline Drive: NW Quarter, Section 6, Township 20, Range 19



Calumet County, WI

Legend

- Address Point
- County Boundary
- Wisconsin Water
- Other Counties
- Unincorporated Community
- Town Boundary
- Point of Interest
- Parcel Boundary
- Property Hook
- PLSS Section
- State Parks
- County Parks
- Lake
- River and Stream
- Major Roads
- Local Roads
- Local Roads
- Municipal Streets
- Trail
- Railroad
- Color 2021
 - Head Band 1
 - Green Band 2
 - Blue Band 3



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

02/28/23 10:28 AM	











ROYER

466

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Gene Frederickson
TRUCKING
EXCAVATING
766 1100

KOMATSU

PC240

March 27, 2023

Village of Harrison
C/O: Village Plan Commission
W5298 State Road 114
Harrison, WI 54952

Re: Crossroads Development, LLC Conditional Use Permit Application

Dear Members of the Village of Harrison Plan Commission:

Please accept this letter as a response to your letter dated March 22, 2023 in which the Plan Commission recommended denial of our application involving a Conditional Use Permit (CUP) regarding the screening, shredding and pulverizing of topsoil at Location IDs 40386 and 40378.

I will attempt to address the bullet points for reasons for considering denial in hopes of persuading you to reconsider your stance on this matter.

- 1) Non-compliance within the last five years regarding shredding and pulverizing.
 - a. We are not sure where this comment originates as we have not been required to take out such a permit in the past.
- 2) Inadequate dust control mechanisms, or lack of explanation of such mechanisms.
 - a. A good, quality shredded topsoil has a low moisture content. The machinery required to shred and pulverize this topsoil into a quality product includes high speed conveyors to pile a finished product as the material is being processed. Reasonable dust control is achieved by placing the operations on the backside of material stockpiles to prevent airborne material from becoming fugitive.
- 3) The proposed location of the site and concerns by neighbors who may have been previously exposed to past dust and fine particles in the air.
 - a. The proposed rural location of the current stockpile is relatively remote with most of the property inside the ¼ mile radius of the location being owned by myself or my land holding companies. (Please see provided map.)
 - b. Other neighbors in close proximity to the proposed project location include the following who support our efforts. They are as follows:

GORDON BAUNGART
Print:

Gordon Baungart
Signature:

Ross Schmidt
Print:

Ross Schmidt
Signature:

JOHN L. VAN TREECK
Print:


John Van Treeck
Signature:

- 4) Concern about the origins of soils being brought to the site and potential for contaminants being released into the air through the refining process.
 - a. The material hauled onsite originates from a former agricultural field near the intersection of CTH AP and S. Quest Drive near Darboy. As a result of the large building erected at that location, the topsoil had been stripped and piled as an available, marketable resource. There is no reason to believe that there is any contaminants in this material as this field was in agricultural production in the recent past.

I look forward to further productive discussions in a path forward allowing Crossroads Land Development LLC and Gene Frederickson Trucking to move forward as originally discussed with Village personnel.

Thank you for taking the time to hear my point of view and objectives as it relates to this matter. I appreciate the opportunity to further comment on this process.

Regards,



Gene Frederickson

Crossroads Land Development LLC

Village of Harrison
March-24 Zoning Permit Report

	Current Year				Previous Year			
	Permits	YTD Permits	Estimated Value	YTD Estimate Value	Permits	YTD Permits	Estimated Value	YTD Estimate Value
Residential								
Single Family	13	27	\$ 4,692,600	\$ 11,873,600	7	18	\$ 2,955,000	\$ 7,445,000
Two Family (units)	0 (0)	0	\$ 0	\$ 0	0 (0)	0	\$ 0	\$ 0
Multi Family (units)	0 (0)	0	\$ 0	\$ 0	0 (0)	0	\$ 0	\$ 0
Additions	2	3	\$ 86,000	\$ 156,000	1	2	\$ 35,000	\$ 47,500
Acc. Structures	1	2	\$ 87,000	\$ 88,000	2	4	\$ 11,000	\$ 66,000
Miscellaneous	12	22	\$ 119,450	\$ 197,050	7	13	\$ 119,060	\$ 133,560
Total Residential	28	54	\$ 4,985,050	\$ 12,314,650	17	37	\$ 3,120,060	\$ 7,692,060
Com./Ind.								
New	1	1	\$ 650,000	\$ 650,000	0	0	\$ 0	\$ 0
Additions	0	0	\$ 0	\$ 0	1	1	\$ 230,000	\$ 230,000
Acc. Structures	0	0	\$ 0	\$ 0	1	3	\$ 15,000	\$ 80,000
Miscellaneous	2	3	\$ 40,000	\$ 75,000	0	1	\$ 0	\$ 3,495
Total Com./Ind.	3	4	\$ 690,000	\$ 725,000	2	5	\$ 245,000	\$ 313,495
Combined Total	31	58	\$ 5,675,050	\$ 13,039,650	19	42	\$ 3,365,060	\$ 8,005,555