
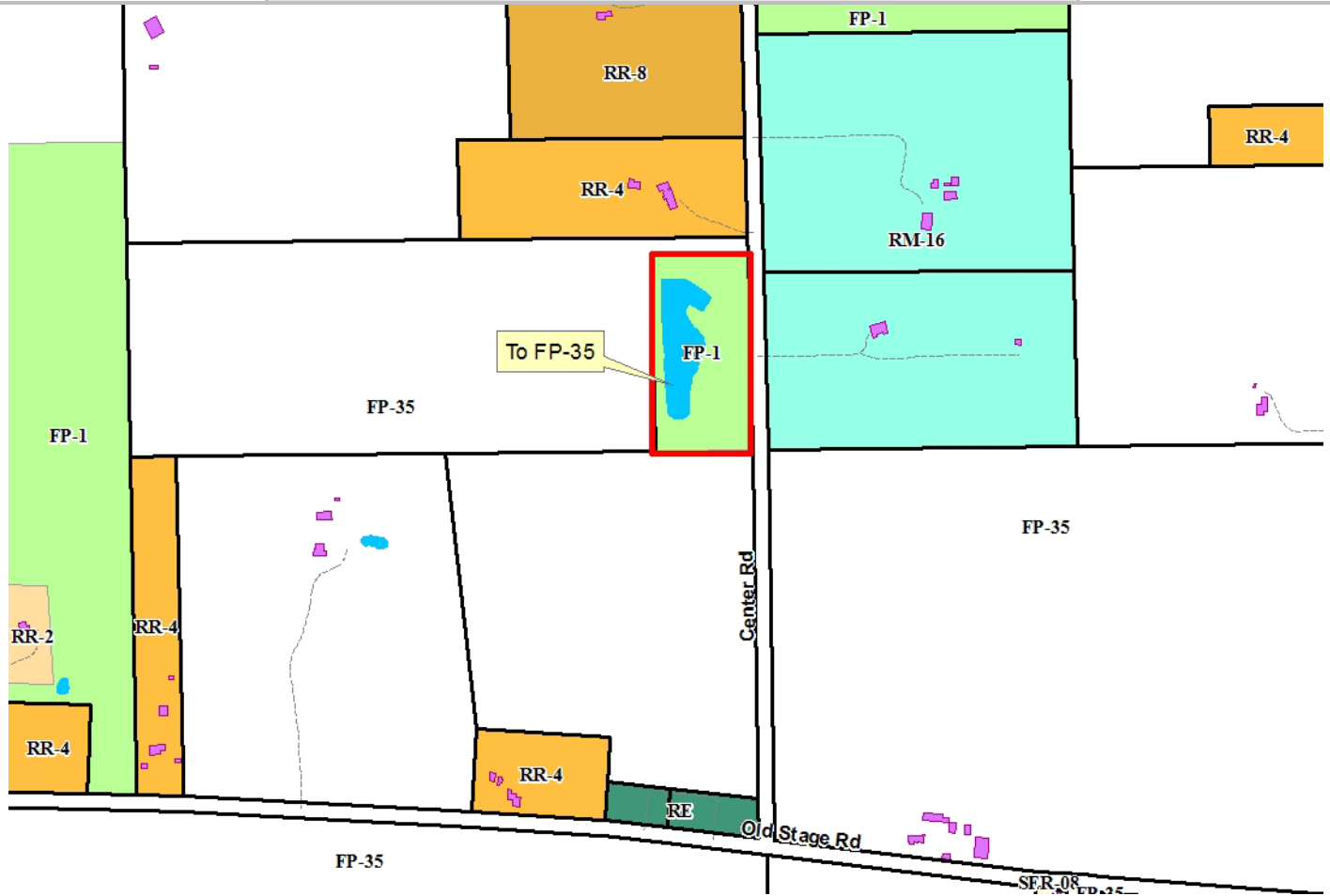


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> January 24, 2023	Petition 11919
	<i>Zoning Amendment Requested:</i> FP-1 Farmland Preservation District TO FP-35 Farmland Preservation District	<i>Town/Section:</i> RUTLAND, Section 28
	<i>Size:</i> 7.78 Acres	<i>Survey Required:</i> No
	<i>Reason for the request:</i> Bring existing legal non-conforming non-metallic mineral extraction site into conformance with current zoning ordinances	<i>Applicant:</i> K&D STONE LLC
		<i>Address:</i> WEST OF 430 CENTER ROAD



DESCRIPTION: Applicant K&D Stone LLC seeks to rezone an existing 8.5-acre mineral extraction site from FP-1 to FP-35, and combine it with the owner’s adjacent lands via Certified Survey Map (CSM). The rezoning would bring the current non-conforming operation into compliance with current-day zoning regulations, since FP-1 zoning does not permit mineral extraction. The rezoning would also facilitate a Conditional Use Permit (CUP) for the quarry operation; the applicant has submitted proposed CUP #2582.

OBSERVATIONS: The FP-35 zoning district allows non-metallic mineral extraction as a conditional use, meaning approval of a CUP is required. The quarry has been in existence for several decades on this site as a non-conforming land use (quarries were not made a conditional use in Dane County’s ordinances until the late 1960s), and the proposed rezoning would not modify the operation of the quarry on this parcel. The FP-35 district has a minimum land area of 35 acres; this requirement would be satisfied by the proposed CSM.

The details of the mineral extraction operation have been provided as part of the applicant’s CUP application for an expanded quarry site, which includes this site and the parcel to the south. Staff review of those operational details are contained in the staff report for proposed CUP #2582.

TOWN PLAN: The property is located in the town's agricultural preservation area. As noted in the application materials, the proposed consolidation of the applicant's adjoining lands is requested to facilitate a Conditional Use Permit application for mineral extraction uses. Town plan policies are typically focused on subdivision of property as opposed to consolidation of property. In any case, the proposed zoning change and property consolidation appear reasonable and appropriate to reflect the current ownership and land uses irrespective of the mineral extraction proposal being made under CUP #2582. (For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or allan@countyofdane.com)

RESOURCE PROTECTION: There are no resource protection corridors mapped on the subject property. The pond present on site is due to the quarry activities.

STAFF RECOMMENDATION: Pending town action, and any comments at the public hearing, staff recommends approval of the rezoning to FP-35. As noted above the applicant must record a CSM for the new lot boundary with a minimum lot size of 35 acres.

JAN 24th ZLR MEETING: The petition was postponed due to no town action and public opposition.

TOWN ACTION: The Town was unable to make a recommendation due to the amount of recusals of Town Officials. The Plan Commission and Town Board did not have quorum to render a decision. See Town Action.

STAFF UPDATE: The property is located in the Agricultural Preservation Planning area and the consolidation of the property appears to meet the Town Plan policies. Staff recommends approval of the rezoning petition with the condition of a CSM being recorded to consolidate the parcels.

Any questions about this petition or staff report please contact Roger Lane, (608) 266-9078 or lane.roger@countyofdane.com.