


<b>Staff Report</b>    <b>Zoning and Land Regulation Committee</b>	Public Hearing: <b>November 15, 2022</b>		<b>Petition 11906</b>
	Zoning Amendment Requested: <b>RM-8 Rural Mixed-Use District TO RR-2 Rural Residential District</b>		Town/Section: <b>MEDINA, Section 26</b>
	Size: <b>12.27 Acres</b>	Survey Required: <b>Yes</b>	Applicant <b>KUHL JT IRREV LIVING TR, ROBERT M &amp; ALTHEA C</b>
	Reason for the request: <b>Creating three residential lots</b>		Address: <b>5260 TOWER LINE ROAD</b>

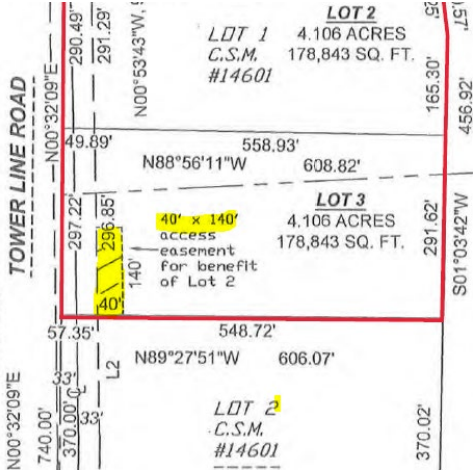


**DESCRIPTION:** Applicant Jim Lowrey, on behalf of the Robert M. & Althea C. Kuhl Joint Irrevocable Living Trust, wishes to create three RR-2 lots from the existing 11.3-acre farm parcel, for the purpose of selling the lots. Proposed Lot 1 would contain the existing farmstead and farm buildings. The Kuhl Trust also owns another 46.4 acres to the east, which are non-contiguous with the rezone land but are referenced below.

**OBSERVATIONS:** One of the existing farm buildings was removed, and Lot 1 size was adjusted, to ensure that Lot 1 will conform to the 10% lot coverage limit in RR-2 zoning.

Proposed Lots 2 and 3 contain steep slopes due to a knoll that rises in elevation from roughly 910 feet to 980 feet at the south end. The north end of Lot 1 is subject to shoreland zoning due to proximity to a pond to the northwest across Tower Line Road.

The applicant indicates that Lot 3 will utilize a shared driveway, which has already been built. The preliminary certified survey map shows a 40'x140' access easement for the benefit of Lot 2 of CSM 14601.



**TOWN PLAN:** The subject property is located in the *Agricultural Preservation* future land use area of the town plan. A density policy of one development right per 35 acres owned as of February 4, 1981 applies to this area. This proposal will use the last remaining development rights, therefore the balance of the original farm (parcel numbers 0812-234-9501-0, 0812-243-9001-0, and 0812-261-8001-0) must be deed restricted against further development. (For questions about the town plan, contact Senior Planner Alexandra Andros at (608)261-9780 or [andros@countyofdane.com](mailto:andros@countyofdane.com))

**RESOURCE PROTECTION:** There are resource protection corridors mapped on site, generally in the area of steep slopes and woods on the south end of the property.

**TOWN ACTION:** On October 12, 2022 the Town Board recommended approval of the petition with the following conditions:

1. Owner of Robert M & Althea C Kuhl Joint Irrevocable Living Trust shall record a deed restriction on vacant FP-35 zoned parcels 036-0812-234-9501-0, 036-0812-243-9001-0, and 036-0812-261-8001-0 prohibiting further non-farm development in accordance with Town of Medina plan policies, as the housing density units have been exhausted; and
2. Owner shall record deed restrictions on the proposed RR-2 parcels limiting the keeping of livestock in accordance with the town of Medina animal unit restrictions.

**STAFF RECOMMENDATION:** Pending any comments at the public hearing, staff recommends approval subject to the applicant recording a CSM for the new lots, and the following conditions:

1. Owner of Robert M & Althea C Kuhl Joint Irrevocable Living Trust shall record a deed restriction on vacant FP-35 zoned parcels 0812-234-9501-0, 0812-243-9001-0, and 0812-261-8001-0 prohibiting further non-farm development in accordance with Town of Medina plan policies, as the housing density units have been exhausted; and
2. The owner shall record deed restrictions on the proposed RR-2 parcels limiting the keeping of livestock in accordance with the Town of Medina animal unit restrictions.
3. A joint driveway agreement shall be recorded with the Register of Deeds for the benefit of proposed Lot 3 and Lot 2 of CSM 14601 to the south.

Any questions about this petition or staff report please contact Rachel Holloway at (608)266-9084 or [holloway.rachel@countyofdane.com](mailto:holloway.rachel@countyofdane.com)