
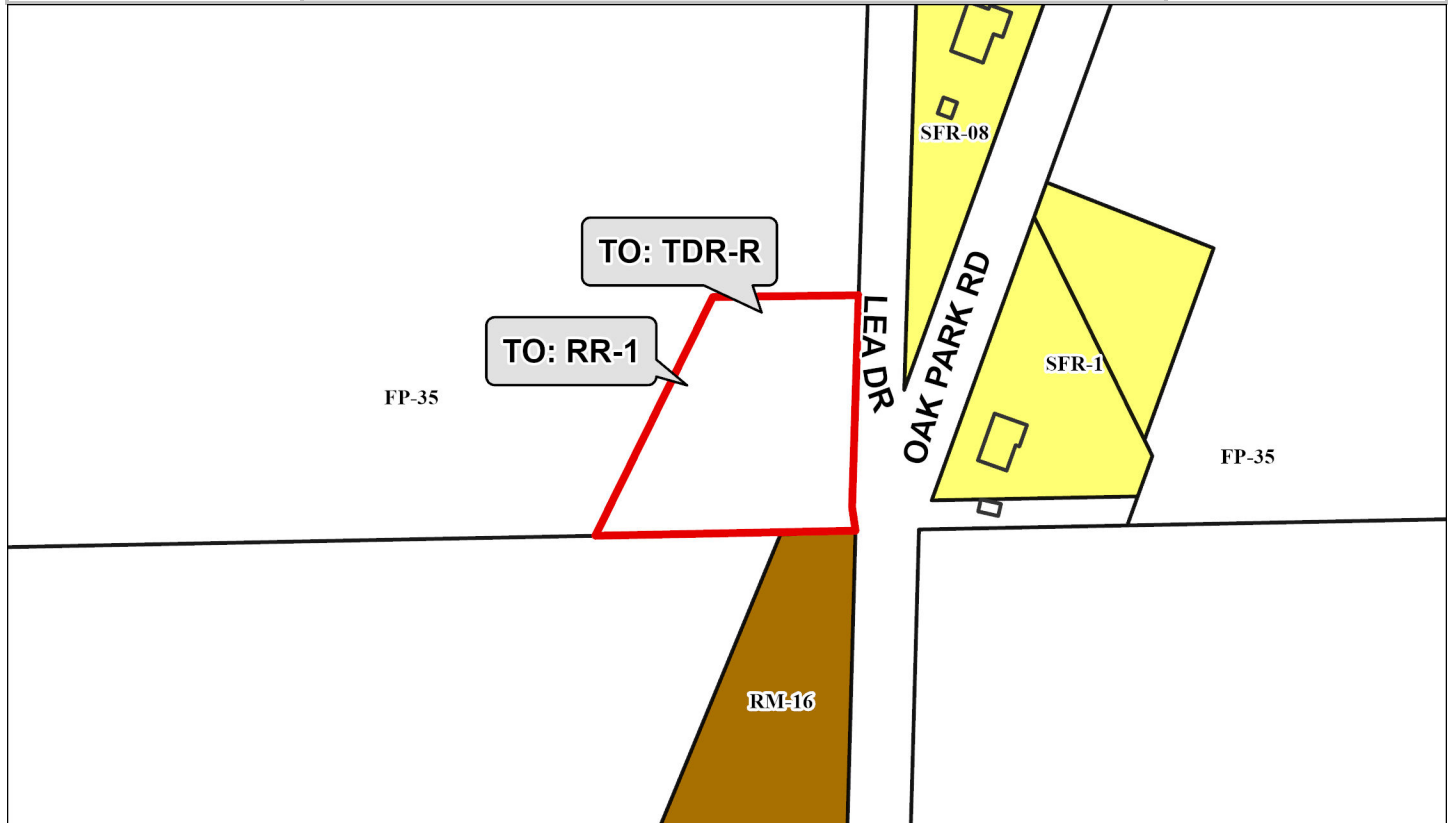


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> July 22, 2025		Petition 12182
	<u>Zoning Amendment Requested:</u> FP-35 Farmland Preservation District TO RR-1 Rural Residential District		<u>Town, Section:</u> MEDINA, Section 29
	<u>Size:</u> 1.2 Acres	<u>Survey Required:</u> Yes	<u>Applicant:</u> ANDREW KIRCH & SHANNAN SHADE
	<u>Reason for the request:</u> creating one residential lot - transfer of development right		<u>Address:</u> WEST OF 5012 OAK PARK ROAD



DESCRIPTION: Applicants would like to create one new residential lot, 1.2 acres in size with RR-1 zoning, by transferring a development right from an agricultural parcel they own elsewhere in the town (tax parcel 0812-261-9500-1 in Section 26). The owners have no immediate plans to build on the proposed lot. They intend to sell the farm land / sending property, and need a suitable place to locate the development right. This petition would place the development right on the new lot which would be created by a 1-lot certified survey map (CSM).

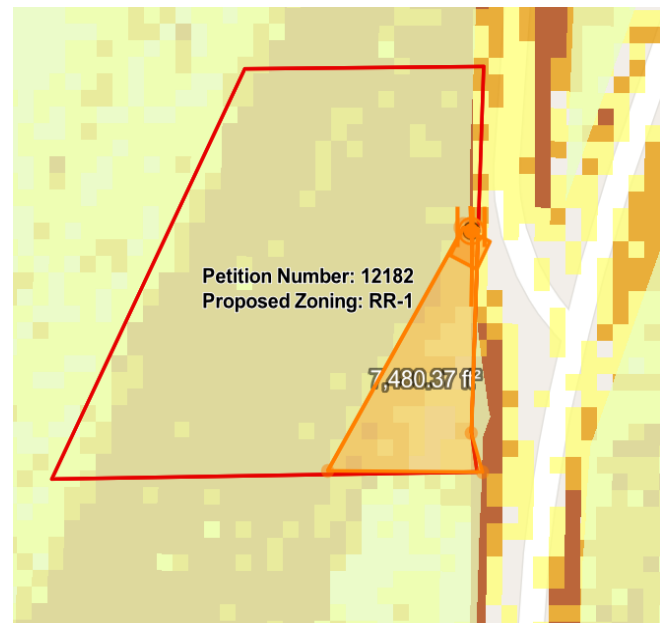
OBSERVATIONS: The proposed lot meets county ordinance requirements including lot size and public road frontage. The terrain on the proposed lot may pose challenges for construction; however it appears this can be managed (see below). This receiving property has already been deed restricted to prohibit future development, because the original farm has used up its development potential. However, a new deed notice document would be recorded on the new lot to document that it was created by a transfer of development rights (TDR). If in the future the landowners wish to change the configuration of this lot, or change the location of this transferred development right, it would require a new rezone petition and potentially a new certified survey map.

Driveway access onto Lea Drive would be handled by the Town of Medina. Lea Drive is a dead-end road.

COMPREHENSIVE PLAN: The property is located within the Town's Agricultural Preservation Area. According to the Town's Comprehensive Plan, density units (development rights, or "splits") may be transferred from the Agricultural Preservation Area to another property within the Agricultural Preservation Area at a ratio of 1:1. Additionally, the sending area must record a TDR agricultural conservation easement on that land, which includes Medina and Dane

County as co-holders of the easement. The proposed sending property (Kirch farm) is zoned FP-35 and has a total of three density units. If the TDR is approved, two development rights would remain on the farm. By sending a density unit from tax parcel 0812-261-9500-1, this would ensure that no development could be located on the very rear of the Kirch farm (on East Medina Road).

Medina requires receiving properties to have minimal impact on productive agricultural soils, not be within the Village of Marshall Urban Service Area, be clustered with existing development when possible, not exceed 5 acres, and meet the siting criteria of the Comp Plan. The receiving property meets these requirements. However, the property has steep slopes (over 12% grade). The Town plan states that development on such slopes is generally discouraged, and when weighing the benefits of removing a density unit from agricultural land versus placing a home on steeper slopes, the Town would rather protect farmland. Staff asked Dane County Environmental Health if the slopes would impact the feasibility of installing a septic system. The sanitarian confirmed as long as the septic is not built on slopes over 25%, the slopes shouldn't be an issue for permitting. There appears to be a large enough area in the southeast corner of the lot with slopes less than 20% grade. Prior to development, soils would still need to be tested to confirm they can support septic, as with any other property.



Should this petition be approved, TDR-R Overlay Zoning should be placed on the “receiving” property, and TDR-S Overlay Zoning on the “sending” property. Additionally, a conservation easement and deed notice should be recorded to document and acknowledge this transfer via TDR. For questions about the town plan, contact Senior Planner Ben Kollenbroich at (608) 266-9108 or kollenbroich.benjamin@danecounty.gov.

RESOURCE PROTECTION: The agricultural parcel containing the proposed lot contains DNR-mapped wetlands, hydric soils, and an intermittent stream. A 75-foot setback/buffer applies from any wetlands. The proposed lot is outside of the 300-foot buffer from the stream.

TOWN ACTION: On June 11th, the Town Board recommended approval of the rezone with conditions that require the owner to record a deed restriction on the TDR-S (sending) parcel prohibiting further non-farm development, and a deed restriction on the proposed RR-1 receiving parcel limiting the keeping on livestock in accordance with Town of Medina animal unit restrictions.

STAFF RECOMMENDATION: Pending any comments at the public hearing, Staff recommends approval with the following conditions:

1. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be assigned to the proposed residential lot.
2. The TDR-S (Transfer of Development Rights – Sending) overlay zoning district shall be assigned to the sending property (parcel 0812-261-9500-1).
3. A deed notice shall be recorded on CSM Lot 1 that indicates it was created by a transfer of development rights.
4. A conservation easement shall be recorded on tax parcel 0812-261-9500-1 stating the following:
 - a. Further residential/nonfarm development is prohibited on this FP-35 zoned land. The housing density rights for *this portion* of the original “FMS Farm” farm have been exhausted per the Town Comprehensive Plan density policies.
5. A deed restriction shall be recorded on Lot 1 limiting the keeping of livestock in accordance with the Town of Medina’s animal unit restrictions.

Please contact Rachel Holloway at (608) 266-9084 or holloway.rachel@danecounty.gov if you have questions about this petition or staff report.