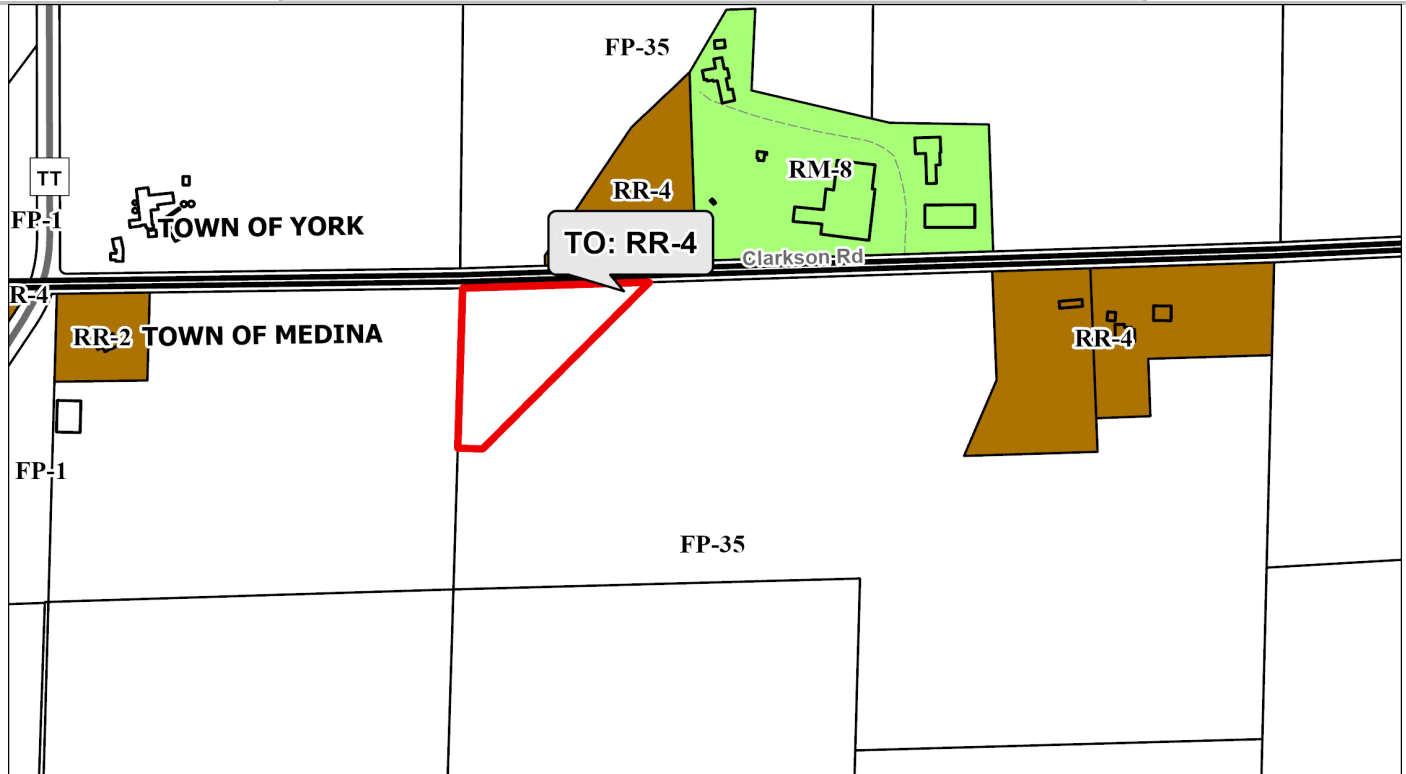


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> July 28, 2026		Petition 12299
	<u>Zoning Amendment Requested:</u> FP-35 Farmland Preservation District TO RR-4 Rural Residential District		<u>Town, Section:</u> MEDINA, Section 4
	<u>Size:</u> 4.6 Acres	<u>Survey Required:</u> Yes	<u>Applicant:</u> BRIAN AND JANESEA HENNING
	<u>Reason for the request:</u> CREATING ONE RESIDENTIAL LOT USING TRANSFER OF DEVELOPMENT RIGHTS (TDR)		<u>Address:</u> WEST OF 825 CLARKSON RD.



DESCRIPTION: Brian Henning would like to create one residential lot, roughly four acres in size with RR-4 zoning. The proposal would transfer a development right from parcel 0812-041-9000-2 to the south.

OBSERVATIONS: The proposed lot configuration meets county ordinance requirements including lot size and public road frontage. The land is within the Village of Marshall's extraterritorial jurisdiction, so the certified survey map may be subject to village review.

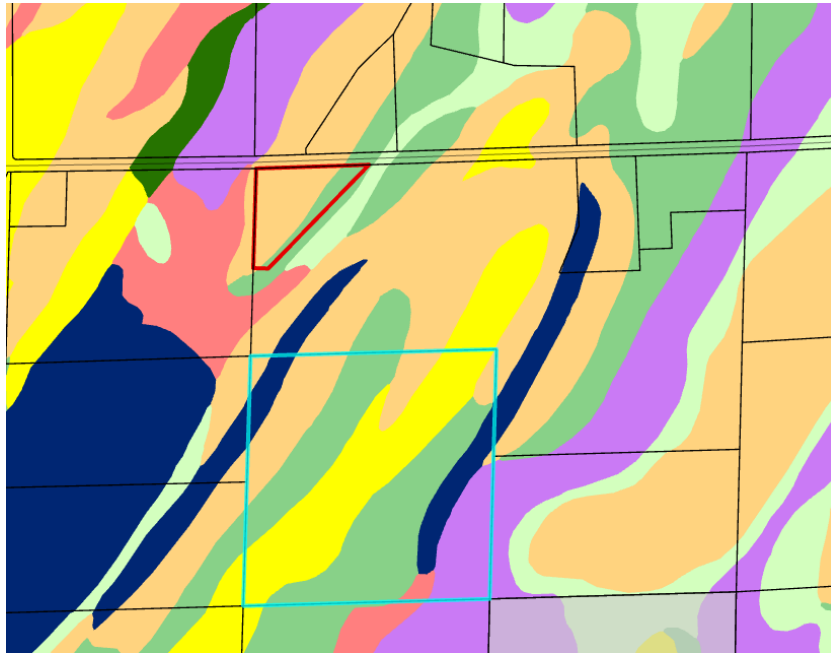
COMPREHENSIVE PLAN: This petition is in the town's Farmland Preservation Area planning area and is subject to the land use policies related to that designation. There is a deed restriction on this property which prohibits development. The Hennings own the adjacent land and would like to transfer one of the three remaining development rights from their farm, so there would still be two development rights remaining on the farm if the transfer is approved.

One of Medina's Transfer of Development Rights (TDR) program requirements is for the sending property to reduce the potential for nonfarm development and permanently protect large blocks of contiguous farmland, natural resource land or other open space. As part of this proposal, a conservation easement would be recorded on 40 acres of land, thereby permanently protecting land that contains tillable land, wetlands, and a stream.

Additionally, Medina requires that the proposed receiving area (outlined in red below):

1. Have minimal impact on Group I, II or III soils under the Dane County Land Evaluation and Site Assessment system (green colors on the map below);
2. Where possible, proposed development would be clustered, and adjacent to existing nonfarm development;
3. If within an Agricultural Preservation Area, lot size for proposed development does not exceed 5 acres, and;

4. Proposed development meets all of the siting criteria for the appropriate planning area as identified in the Town of Medina Comprehensive Plan and the town driveway ordinance.



The proposed lot primarily sits on soils that are not considered Group I, II, or III soils, is located across the street from an existing residentially-zoned lot, does not exceed 5 acres in size, and appears to meet the Town's siting criteria. Therefore, this TDR proposal seems reasonably consistent with the goals, objectives of policies for the Farmland Preservation Area.

While the area being rezoned to RR-4 would no longer have the existing development deed restriction apply to it, the deed restriction should continue to be enforced on the remaining FP-35 land on parcel 0812-041-8501-0. Additionally, as part of this proposal, a conservation easement shall be recorded on parcel 0812-041-9000-2.

For questions about the town plan, contact Senior Planner Ben Kollenbroich at (608) 266-9108 or Kollenbroich.Benjamin@danecounty.gov.

RESOURCE PROTECTION: There are sensitive environmental resources within 300 feet of the subject property, including floodplain and wetlands. However, these environmental features and associated buffers would not impact the proposed lot. There is enough upland area that a wetland delineation was not required for the rezone petition. Depending on where the house location is proposed at the time of zoning permitting, a delineation could be required at that time.

TOWN ACTION: On April 8, 2026, the Town Board recommended approval, with no conditions.

STAFF RECOMMENDATION: As noted above, rezoning this property would serve to make the existing deed restriction not effective on the new lot (recorded document #3494617 would still apply to the ag land). Staff recommends approval with the following conditions:

1. The TDR-R (Transfer of Development Rights – Receiving) overlay zoning district shall be assigned to Lot 1.
2. The TDR-S (Transfer of Development Rights – Sending) overlay zoning district shall be assigned to the sending property (parcel 0812-041-9000-2).
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 the TDR sending property (parcel 0812-041-9000-2) stating the following:
 - a. Further residential/nonfarm development is prohibited on the remaining FP-35 zoned land. The housing density rights for this portion of the original Eugene Henning farm have been exhausted per the Town Comprehensive Plan density policies.

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