


<p><b>Staff Report</b></p>  <p><b>Zoning and Land Regulation Committee</b></p>	<p><i>Public Hearing:</i> <b>June 27, 2023</b></p>	<p><b>Petition 11952</b></p>
	<p><i>Zoning Amendment Requested:</i>  <b>FP-35 Farmland Preservation District TO RR-4 Rural Residential District</b></p>	<p><i>Town/Section:</i>  <b>MEDINA, Section 11</b></p>
	<p><i>Size:</i> <b>7.3 Acres</b></p>	<p><i>Survey Required:</i> <b>Yes</b></p>
	<p><i>Reason for the request:</i>  <b>Creating one residential lot</b></p>	



**DESCRIPTION:** Applicant John Detert proposes RR-4 zoning in order to create a 7-acre residential lot from the 120-acre family farm.

**OBSERVATIONS:** The proposed lot meets the requirements of the proposed RR-4 zoning district. The applicants have already obtained approval from the Town of Medina for the driveway location.

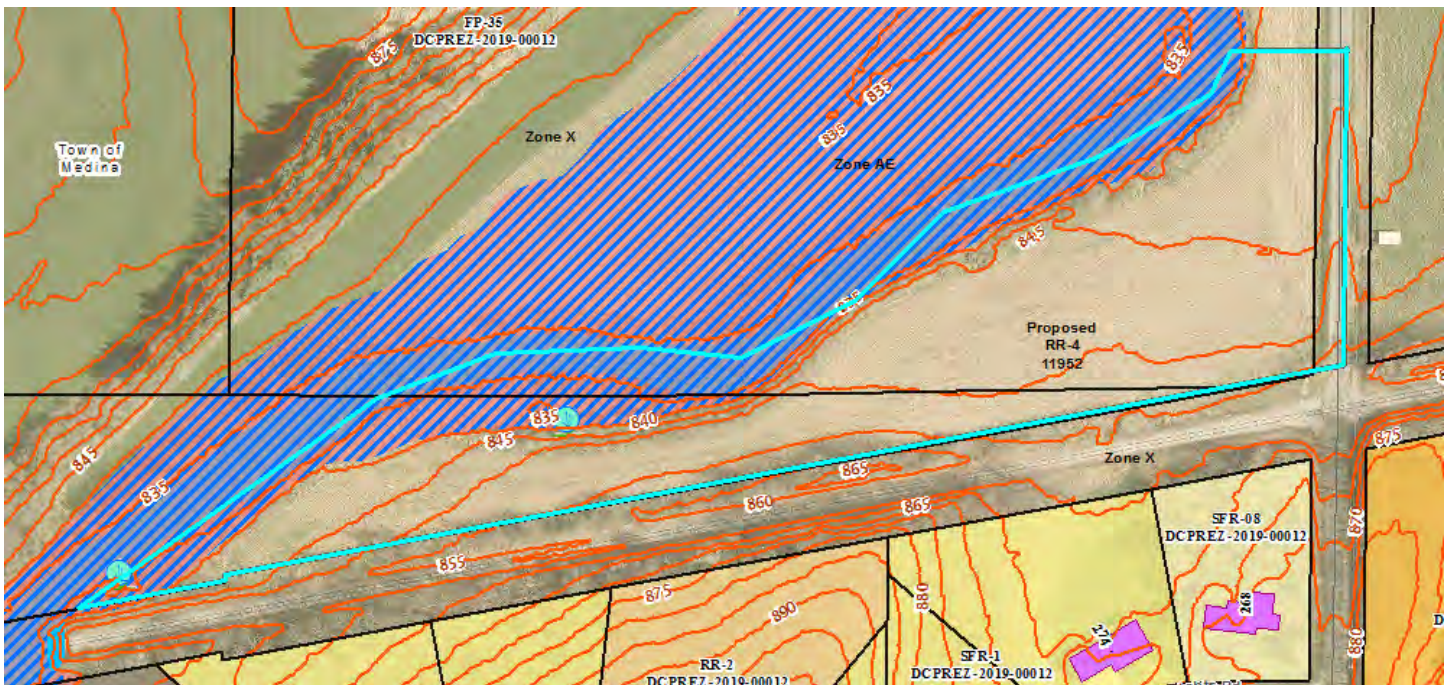
The proposed lot abuts a publicly-owned rail line to the south that is operated by Wisconsin & Southern Railroad. One public comment was submitted noting concerns about the Town’s maintenance obligations for Cherry Lane and the bridge over the Maunasha River, if the Cherry Lane railroad crossing is closed in the future as part of upgrading the line for passenger service. The commenter indicated that if the cause for this concern is proven unfounded, he has no opposition to the proposed rezone.

The draft [Wisconsin Rail Plan 2050](#) being prepared by the Wisconsin DOT (currently in final drafting stages) does identify this rail segment, among others, as a potential future route for intercity passenger rail service based on previous studies. However, according to the DOT’s draft plan no changes to this rail route are planned or scheduled at this time. Any changes to the use of this specific rail line, and any improvements associated with the railroad crossing, would require further study.

**COMPREHENSIVE PLAN:** As indicated on the attached density study report, the property remains eligible for 2 possible density units or “splits” for nonfarm development. Note that the town counts all residences toward the density limitation, including the existing farm residence at 309 Canal Road. If the petition is approved 1 possible density unit will remain available. There appears to be sufficient area of upland outside of the floodplain associated with the Maunasha River on which to build. Pending any concerns expressed by the town during the course of its review, or at the ZLR Public Hearing, the proposal appears consistent with comprehensive plan policies. (For questions about the town plan, contact Senior Planner Majid Allan at (608) 267-2536 or [allan@countyofdane.com](mailto:allan@countyofdane.com).)

**RESOURCE PROTECTION:** Resource protection corridor is mapped on site which reflects the Maunasha River floodplain and 75’ buffer from the river per Dane County shoreland & wetland zoning. All structures will be required to be at least 75’ from the ordinary high water mark. In addition, there is an established base flood elevation (BFE) that ranges from 838 to 839 feet above mean sea level. The majority of the floodplain/floodway is located on the north and west side of the river opposite the property to be rezoned. Most of the proposed lot is outside of the floodplain and is at least 7 feet above the BFE (see image below).

There appears to be riparian wetlands present on both sides of the river. The entire lot will be located in the shoreland zoning district and thus will be subject to impervious surface limits, and any disturbance will require a shoreland erosion control permit.



**TOWN ACTION:** On November 9, 2022 the Town Board recommended approval of the rezoning subject to Medina’s animal restrictions.

**STAFF RECOMMENDATION:** Pending any comments at the public hearing, staff recommends approval of the rezone with no conditions other than recording the CSM for the new lot and the following condition:

1. 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.

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).