

# Dane County Rezone Petition

<b>Application Date</b>	<b>Petition Number</b>
05/19/2023	DCPREZ-2023-11964
<b>Public Hearing Date</b>	
07/25/2023	

<b>OWNER INFORMATION</b>	<b>AGENT INFORMATION</b>
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OWNER NAME DUANE P & CANDACE J SWALHEIM 2011 REV TRUST	PHONE (with Area Code) (608) 335-4057	AGENT NAME PB2 ARCHITECTURE (AMY MILES)	PHONE (with Area Code) (479) 878-3510
BILLING ADDRESS (Number & Street) 436 CONNIE ST		ADDRESS (Number & Street) 2809 AJAX AVENUESUITE 100	
(City, State, Zip) COTTAGE GROVE, WI 53527		(City, State, Zip) Rogers, AR 72758	
E-MAIL ADDRESS		E-MAIL ADDRESS amy.miles@pb2ae.com	

<b>ADDRESS/LOCATION 1</b>	<b>ADDRESS/LOCATION 2</b>	<b>ADDRESS/LOCATION 3</b>
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<b>ADDRESS OR LOCATION OF REZONE</b>	<b>ADDRESS OR LOCATION OF REZONE</b>	<b>ADDRESS OR LOCATION OF REZONE</b>
North of 3436 N. Star Road		
TOWNSHIP COTTAGE GROVE	SECTION 27	TOWNSHIP SECTION
<b>PARCEL NUMBERS INVOLVED</b>	<b>PARCEL NUMBERS INVOLVED</b>	<b>PARCEL NUMBERS INVOLVED</b>
0711-273-0033-0		

<b>REASON FOR REZONE</b>
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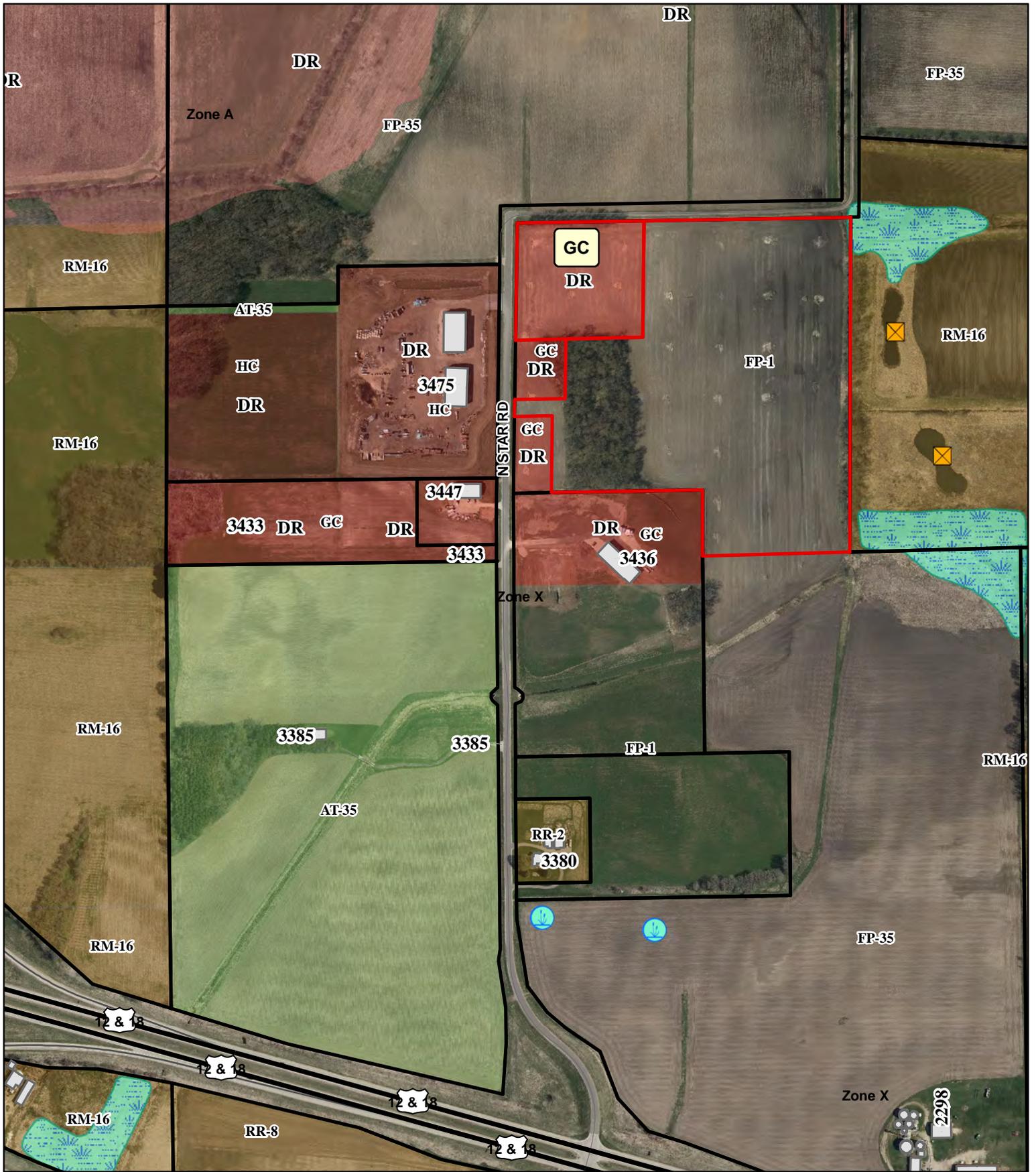
AMEND CURRENT DEED RESTRICTION TO ALLOW OUTDOOR STORAGE OF MATERIALS AS A CONDITIONAL USE.

<b>FROM DISTRICT:</b>	<b>TO DISTRICT:</b>	<b>ACRES</b>
GC General Commercial District	GC General Commercial District	5.2

<b>C.S.M REQUIRED?</b>	<b>PLAT REQUIRED?</b>	<b>DEED RESTRICTION REQUIRED?</b>	<b>INSPECTOR'S INITIALS</b>	<b>SIGNATURE:(Owner or Agent)</b>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	RUH1	
Applicant Initials_____	Applicant Initials_____	Applicant Initials_____		

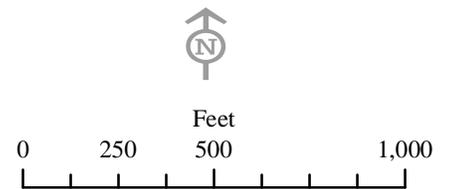
COMMENTS: ACCESS ONTO N. STAR ROAD IS LIMITED PER CSM 16140.

<b>PRINT NAME:</b>
<b>DATE:</b>



# REZONE 11964

-  Wetland
-  Floodway Areas in Zone AE
-  Floodplain





**Dane County**  
**Department of Planning and Development**

Zoning Division  
 Room 116, City-County Building  
 210 Martin Luther King Jr. Blvd.  
 Madison, Wisconsin 53703  
 (608) 266-4266

Application Fees	
General:	\$395
Farmland Preservation:	\$495
Commercial:	\$545
<ul style="list-style-type: none"> <li>• PERMIT FEES DOUBLE FOR VIOLATIONS.</li> <li>• ADDITIONAL FEES MAY APPLY. CONTACT DANE COUNTY ZONING AT 608-266-4266 FOR MORE INFORMATION.</li> </ul>	

## REZONE APPLICATION

APPLICANT INFORMATION			
Property Owner Name:	Duane P & Candace J Swalheim	Agent Name:	Amy Miles, pb2 architecture
Address (Number & Street):	426 Connie Street	Address (Number & Street):	2809 Ajax Avenue Suite 100
Address (City, State, Zip):	Cottage Grove, WI 53527	Address (City, State, Zip):	Rogers, AR 72758
Email Address:		Email Address:	amy.miles@pb2ae.com
Phone#:		Phone#:	479.878.3510

### PROPERTY INFORMATION

Township:	Cottage Grove	Parcel Number(s):	071127300330
Section:	27-7-11	Property Address or Location:	N Star Road - Lot 3

### REZONE DESCRIPTION

**Reason for the request.** In the space below, please provide a brief but detailed explanation of the rezoning request. Include both current and proposed land uses, number of parcels or lots to be created, and any other relevant information. For more significant development proposals, attach additional pages as needed.

**Is this application being submitted to correct a violation?**  
 Yes  No

During the previous rezoning of this property, a deed restriction was placed on the property limiting the land uses. This rezoning application is being filed to change the deed restriction applicable to this property to allow for outdoor storage.

Existing Zoning District(s)	Proposed Zoning District(s)	Acres
<del>FP-35</del> GC	GC	5.247 acres

**Applications will not be accepted until the applicant has contacted the town and consulted with department staff to determine that all necessary information has been provided. Only complete applications will be accepted. All information from the checklist below must be included. Note that additional application submittal requirements apply for commercial development proposals, or as may be required by the Zoning Administrator.**

<input checked="" type="checkbox"/> Scaled drawing of proposed property boundaries	<input checked="" type="checkbox"/> Legal description of zoning boundaries	<input checked="" type="checkbox"/> Information for commercial development (if applicable)	<input checked="" type="checkbox"/> Pre-application consultation with town and department staff	<input checked="" type="checkbox"/> Application fee ( <b>non-refundable</b> ), payable to the Dane County Treasurer
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I certify by my signature that all information provided with this application is true and correct to the best of my knowledge and understand that submittal of false or incorrect information may be grounds for denial. Permission is hereby granted for Department staff to access the property if necessary to collect information as part of the review of this application. Any agent signing below verifies that he/she has the consent of the owner to file the application.

DocuSigned by:  
 Owner/Agent Signature Duane Swalheim  
 41EA2136EA8345F...

Date 5/15/2023



2809 Ajax Avenue Suite 100  
Rogers, Arkansas 72758  
Phone: 479.636.3545

May 2, 2023

Dane County  
Department of Planning & Development  
Zoning Division  
210 Martin Luther King Jr. Blvd.  
Room 116, City-County Building  
Madison, WI 53703

Rezoning Application for Proposed EquipmentShare Development North Star Road – Lot 3  
Cottage Grove, WI  
Parcel #s: 071127300330  
Lot 3 of CSM#16140

Please consider this document as a supplemental narrative to the enclosed Rezoning Application submitted to address zoning designations as part of the deed restriction for Lot 3 - North Star Road in the Town of Cottage Grove.

## **INTRODUCTION**

EquipmentShare is a nationwide construction solutions provider dedicated to solving industry pain points through smart jobsite technology and equipment rental, retail, and service centers. More than a rental company, EquipmentShare's cloud-connected platform is powered by telematics and machine hardware to give construction and industrial companies a real-time view into the jobsite.

The method of distribution of this technology is a fleet of construction equipment available for both large-scale general contractors and everyday home builders. EquipmentShare plans to develop Lot 3 on North Star Road to create a new equipment rental facility, consisting of: a new building, paved driveway access, customer parking and a crushed concrete lay down yard for equipment storage while waiting for rental.

## **PROPOSED SITE MODIFICATIONS**

The property is currently vacant, undeveloped land, zoned GC per deed restrictions and the Town of Cottage Grove. The site would be developed and stabilized to support construction of a new building, paved driveways and customer parking areas, and a crushed concrete equipment laydown yard. The surrounding properties are either vacant or being used as a contractor's service yard. None of the surrounding properties will experience any negative impacts from the EquipmentShare development. North Star Road has been improved to accommodate the minimal additional traffic that will be created by the EquipmentShare development. EquipmentShare is cognizant of site security and will ensure that any added site lighting will not encroach onto neighboring properties.

## **OPERATIONS**

The operating hours are from 7 am to 5 pm, Monday through Friday, so the typical operational noise will not adversely affect neighbors. EquipmentShare expects between 10-15 employees to be on site at any given time. As previously mentioned, this site will operate an equipment laydown yard, which will serve as outdoor storage for construction equipment waiting for maintenance or rental. No hazardous or toxic materials will be stored on the equipment laydown yard. The yard will be stabilized and finished with a crushed concrete material that is durable to stand up to the large scale equipment while also providing permeable area for rain

water. The crushed concrete creates little to no dust when equipment is moving on the site and can be easily treated with dampening to reduce dust even further during particularly dry weather events. Dumpsters for solid waste and recyclables will be maintained on the equipment yard. Local waste management providers will be used for solid waste and recyclables removal, likely on a weekly basis.

### **ACCESSIBILITY**

The site is accessible from North Star Road. The preliminary site plan accounts for two 40-foot wide (minimum) driveways, to allow for easy entering and exiting of trucks and other large vehicles. The two driveways will prevent large vehicles from having to conduct multiple point maneuvers on public roadways to exit the site after entering.

### **UTILITIES**

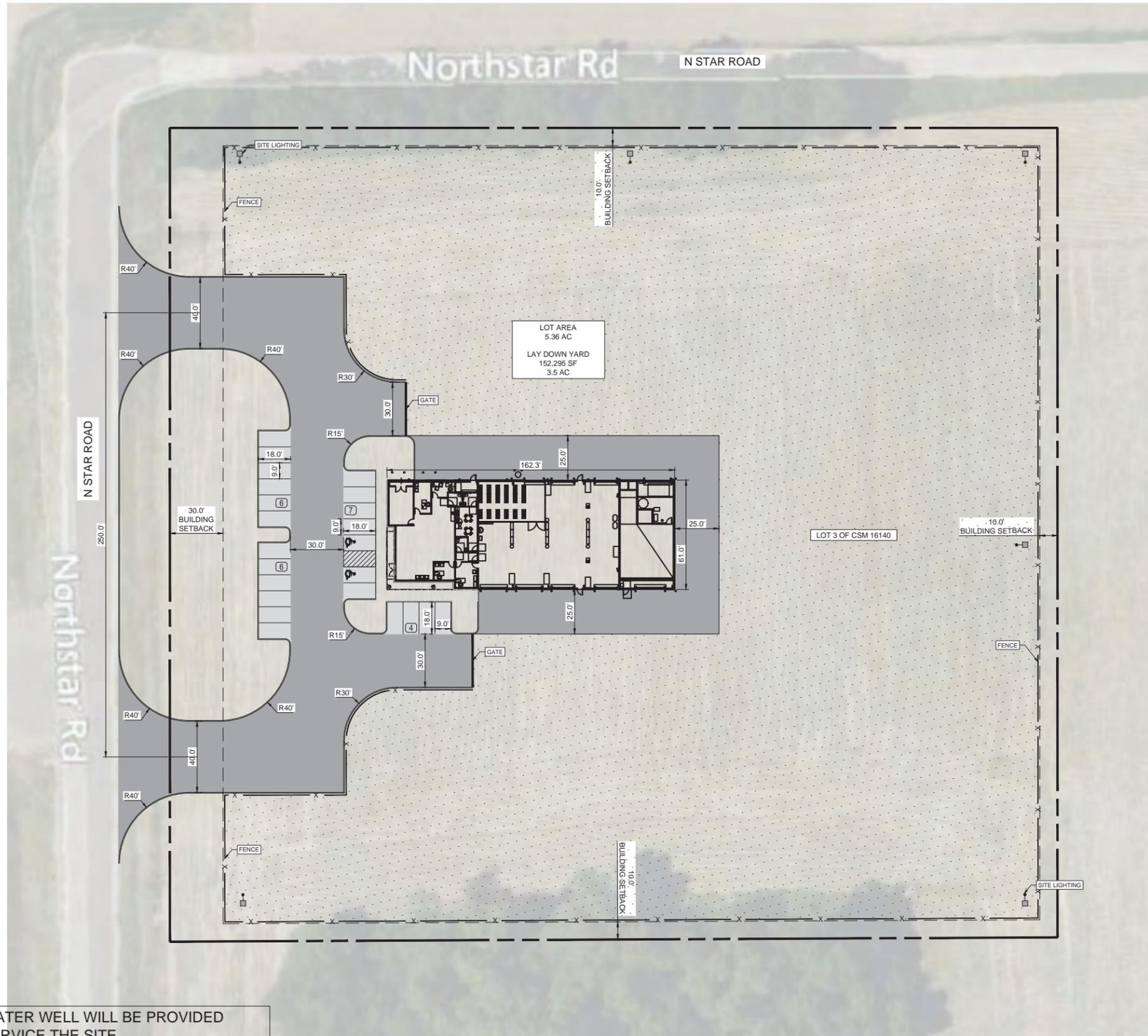
The proposed development should not put any extraordinary demands on existing infrastructure or utilities. According to project engineers, anticipated water demand is approximately 1,080 gallons per day, and wastewater demand is approximately 555 gallons per day. If required, the site has sufficient space for stormwater detention, and all required treatments will be designed for and provided in engineered drawings submitted later in the project timeline.

EquipmentShare buildings and sites are designed for 3-phase/480-volt power.

### **CLOSING**

EquipmentShare is excited about this site and the opportunities to partner with Dane County and the Town of Cottage Grove on this new development. We look forward to the opportunity to discuss this rezoning application with county and town staff as part of the entitlements process for this project.

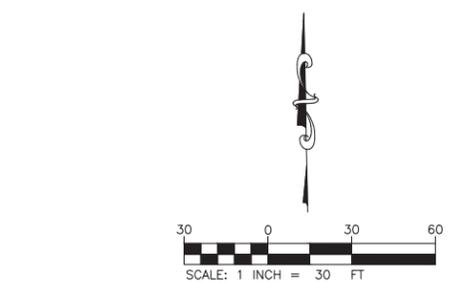
THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY BOWMAN CONSULTING SHALL BE WITHOUT LIABILITY TO BOWMAN CONSULTING.



WATER WELL WILL BE PROVIDED SERVICE THE SITE.

SEPTIC SYSTEM WILL BE INSTALLED TO SERVICE THE SITE.

STORM WATER FROM THE SITE WILL BE DISCHARGED TO A REGIONAL POND (BY OTHERS)



VICINITY MAP  
NTS

**PROPOSED LEGEND**

- PROPOSED BUILDING
- PROPERTY LINE
- STD. 6" CONCRETE CURB
- PARKING SPACE COUNT
- CONCRETE SIDEWALK

**SITE**

SITE NAME: EQUIPMENT SHARE  
 LOCATION: NORTH EAST OF 3447 N STAR RD, COTTAGE GROVE, WI 53527  
 PARCEL AREA: 228,563 SF  
 5.247 ACS  
 CURRENT ZONING: GC (GENERAL COMMERCIAL)  
 PROPOSED ZONING: GC (GENERAL COMMERCIAL)  
 REZONING REQUIRED: YES

**PARKING**

REQUIRED SPACES: NA  
 PROPOSED SPACES: 23 SPACES (PROPOSED)

**BUILDING SETBACKS**

FRONT YARD SETBACK: 30'  
 SIDE (E&W) SETBACK: 10'  
 REAR SETBACK: 10'

**LANDSCAPE BUFFERS**

FRONT BUFFER: NA  
 SIDE BUFFER: NA  
 REAR BUFFER: NA

**CONCEPTUAL PLAN NOTES:**

CONDITIONS MAY EXIST THAT COULD RESTRICT THE DEVELOPMENT OF THIS SITE AS SHOWN. BOWMAN DOES NOT PURPORT THAT THIS SITE CAN BE DEVELOPED AS SHOWN. THE PURCHASE OF THIS SITE SHALL BE AT THE OWNER/DEVELOPER'S SOLE EXPENSE.

NO SITE VISITS HAVE BEEN PERFORMED TO ENSURE THE ACCURACY OF THE AERIAL IMAGE SHOWN HEREON.

THIS EXHIBIT IS NOT INTENDED TO BE USED AS A CONSTRUCTION DOCUMENT, AND SHOULD NOT BE CONSTRUED IN ANYWAY TO BE USED FOR CONSTRUCTION PURPOSES.

PROPERTY LINES SHOWN ARE FROM COUNTY GIS AND ARE FOR CONCEPTUAL PURPOSES ONLY.

REVISION	DESCRIPTION	DATE

**CONCEPT PLAN**

**EQUIPMENT SHARE**  
 N STAR RD,  
 COTTAGE GROVE, WI 53527

FOR PRELIMINARY REVIEW ONLY		
DESIGN AM	DRAWN AM	CHKD PK
JOB No.		
SHEET 1.0		

**Legal Description:**

**Rezone from GC to GC (modify deed restriction)**

Lot 3, Certified Survey Map No. 16140, recorded in Volume 119 of Certified Survey Maps of Dane County on pages 134-135 as Document No. 5870098, located in the southwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$ , Section 27, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin.



DocId:10229782

Tx:9436748

**DEED RESTRICTION**  
11838

Use black ink & print legibly

KRISTI CHLEBOWSKI  
DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
5870099  
10/25/2022 02:27 PM  
Trans Fee:  
Exempt #:  
Rec. Fee: 30.00  
Pages: 3

WHEREAS,

Duane P. & Candace J Swalheim  
Revocable Trust

Is/~~are~~ owner(s) of the following described real estate in the Town of Cottage Grove, Dane County, Wisconsin further described as follows:

Name and return address:

Duane Swalheim  
436 Connie St  
Cottage Grove WI  
53527

Parent Parcel Numbers  
0711-273-9000-6

**LEGAL DESCRIPTION:**

Lots 1-4 of Certified Survey Map No. 16140, Section 27, Town 07 North, Range 11 East, Town of Dunn, Dane County, Wisconsin.

**WHEREAS**, said owners desire to place certain restrictions and notice on the above-described real estate, to bind the owner(s) and those who may acquire title hereafter.

**WHEREAS**, the restrictions provided herein shall be enforceable at law or equity against any party who has or acquires any interest in the land subject to this restriction by the following who are named as Grantees and beneficiaries with enforcement rights:

- The County Government of Dane County, Wisconsin provided that the land is under the jurisdiction of said County at the time the enforcement action is commenced, and;
- The Town Government of the Town of Cottage Grove, Dane County, provided that the land is within the jurisdiction of said Town at the time the enforcement is commenced, and;
- The owner(s) of record of any lands that are located within 300 feet of the subject property.

**THEREFORE**, the following restrictions are hereby imposed:

1. Uses of the GC zoned property are limited exclusively to the following:
  - a. Contractor, landscaping or building trade operations
  - b. Undeveloped natural resource and open space areas
  - c. Governmental, institutional, religious or nonprofit community uses
  - d. Light industrial
  - e. Office uses
  - f. Indoor sales
  - g. Indoor storage and repair
  - h. Personal or professional service
  - i. Transportation, utility, communication or other use required by law
  - j. Utility services associated with a permitted use
  - k. Veterinary clinics
  - l. Agriculture and accessory uses (livestock not permitted)
2. Residential use or related use of the property is prohibited.
3. Evidence of compliance with Dane County stormwater management regulations shall be required prior to development, including arrangements for ongoing maintenance of the regional stormwater facilities.

The restrictions set forth herein may be amended or terminated in the following manner:

1. The owner(s) of the subject property may submit a written petition calling for the amendment or termination of the restrictions. Such petition must be submitted to the Dane County Clerk who shall refer the petition to the Dane County Zoning and Land Regulation Committee (or successor committee), which shall then schedule and hold a public hearing on the petition.
2. The petition shall then be referred to the Town Government of the Town in which the subject property is located. The Zoning and Land Regulation Committee shall issue a written report on the petition to the County Board of Supervisors. The County Board shall, by majority vote, approve or reject the petition. Amendment or termination of the restrictions shall also require the approval of the Town Board.
3. Upon approval of the petition calling for an amendment or termination of the restrictions, the owner(s) of the subject property shall draft the amendatory covenant instrument. The owner(s) shall then execute and record the amendatory covenant with the Dane County Register of Deeds.
4. A rezoning of the subject property to a different zoning district shall also act to terminate the restrictions set forth herein.

8/8/2022  
 Date \_\_\_\_\_  
 Signature of Grantor (owner) \_\_\_\_\_  
 Duane P Swalheim  
 \*Name printed

8/8/2022  
 Date \_\_\_\_\_  
 Signature of Grantor (owner) \_\_\_\_\_  
 Candace J Swalheim  
 \*Name printed

STATE OF WISCONSIN, County of Dane

Subscribed and sworn to before me on 8-8-2022 by the above named person(s).

Signature of notary or other person authorized to administer an oath Michael B  
 (as per s. 706.06, 706.07)

Print or type name: Michael L Baker

Title Sr Relationship Director Date commission expires: 06/09/2025

This document was drafted by:

Dane County  
 Planning and Development Department



TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # 11838

Dane County Zoning & Land Regulation Committee Public Hearing Date 6/28/2022

Whereas, the Town Board of the Town of Cottage Grove having considered said zoning petition,

be it therefore resolved that said petition is hereby (check one):  **Approved**  **Denied**  **Postponed**

**Town Planning Commission Vote:** 7 in favor 0 opposed 0 abstained

**Town Board Vote:** 4 in favor 0 opposed 0 abstained

**THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):**

- 1.  *Deed restriction* limiting use(s) in the GC zoning district to **only** the following:  
 All permitted uses in the General Commercial zoning district would be allowed EXCEPT Day care centers, Indoor entertainment or assembly and Transient or tourist lodging.  
 Only the following conditional uses could be proposed: Contractor, landscaping or building trades (outdoor), Communication towers, Outdoor Storage, Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above, Vehicle repair or maintenance service,  
 None of the residential uses by conditional use permit could be proposed.
- 2.  *Deed restrict* the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):
- 3.  *Deed restrict* the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):
- 4.  *Condition* that the applicant must record a *Notice Document* which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):
- 5.  *Other Condition(s)*. Please specify:  
 The CSM/deed restrictions must provide for: a) arrangements for ongoing maintenance of the regional stormwater facilities, b) a road reservation for the cul-de-sac between lots 1 and 2 that will accommodate truck traffic, c) dedication of 35 feet on the south side of the east-west segment of North Star Road, d) Access to the east-west segment of North Star Road from lots 3 and 4 (other than for agricultural use) is prohibited until that segment is improved to Town Road standards.

Please note: The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, Kim Banigan, as Town Clerk of the Town of Cottage Grove, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 5/2/2022

Town Clerk Kim Banigan Date: 5/9/2022

