



## Dane County Planning and Development Department

Room 116, City-County Building, Madison, Wisconsin 53703

Fax (608) 267-1540

[www.danecountyplanning.com/](http://www.danecountyplanning.com/)

### *Planning*

(608)266-4251, Rm. 116

### *Records & Support*

(608)266-4251, Rm. 116

### *Zoning*

(608)266-4266, Rm. 116

August 25, 2023

DUANE P & CANDACE J SWALHEIM 2011 REV TRUST  
436 CONNIE ST  
COTTAGE GROVE, WI 53527

### **RE: Conditional Approval of Zoning Petition 11960 Delayed Effective Date Deadline**

Please be advised that rezone petition #**11960** has been conditionally approved by the Dane County Board. However, specific conditions are required to be met within a limited time in order for the zoning change to become effective.

Attached is the ordinance amendment which lists the conditions of approval. The conditions listed on the attached zoning ordinance amendment shall be completed prior to the delayed effective date of:

Conditional approval expires: **August 25, 2025**

If a Certified Survey Map is required, please contact your surveyor to submit a survey application as soon as possible. A survey submitted close to or on the delayed effective date may cause the zoning approval to become null and void.

If you are not able to meet these conditions by the specified deadline date, contact the Zoning Department to communicate your reasons for needing more time. A limited extension may be granted for extenuating circumstances.

If you have any questions or concerns, please contact the Zoning Division at (608) 266-4266.

Sincerely,

Roger Lane  
Zoning Administrator

Cc: DUANE SWALHEIM, AGENT, [DEWEY@CHORUS.NET](mailto:DEWEY@CHORUS.NET)

**Dane County Board of Supervisors  
Amending Chapter 10 of the Dane County Code of Ordinances  
Zoning Map Amendment Petition 11960**

Dane County Board of Supervisors does ordain as follows:

The Zoning Districts Maps as referenced under Dane County Code of Ordinance Section 10.200(4) shall be amended as follows:

**Town Map:** Town of COTTAGE GROVE      **Location:** Section 27

**Zoning District Boundary Changes**

**FP-1 to GC:**

Part of Lot 4, 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 ¼ of the Southwest ¼, Section 27, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin, described as follows:

Commencing at the Southwest Corner of said Section 27; thence N88°54'15"E (recorded as N89°27'26"E), 758.93 feet along the South line of Southwest ¼ to the point of beginning; thence N00°05'53"E (recorded as N00°38'58"E), 264.00 feet; thence S88°53'24"W, 589.39 feet; thence N00°47'38"E, 300.27 feet; thence S88°53'13"W, 150.02 feet to the East right-of-way line of N. Star Road; thence N00°48'10"E, 66.04 feet along said East right-of-way line; thence N88°53'13"E, 200.04 feet; thence N00°47'38"E, 233.13 feet; thence N88°53'13"E, 300.89 feet; thence N00°47'38"E, 455.10 feet to the Southerly right-of-way line of N. Star Road; thence N89°13'48"E, 540.50 feet along said Southerly right-of-way line; thence S00°42'40"W, 256.69 feet; thence S88°53'13"W, 540.96 feet; thence S00°47'38"W, 428.29 feet; thence N88°53'13"E, 63.40 feet and a point on a curve; thence along a non-tangential curve to the left having a radius of 50.00 feet and a chord bearing and length of N78°47'31"E, 17.53 feet; thence N00°27'01"W, 308.86 feet; thence N88°53'13"E, 502.57 feet; thence S00°08'52"W, 190.27 feet; thence S17°49'31"W, 62.93 feet; thence S00°08'52"W, 692.52 feet to the aforesaid South line; thence S88°54'15"W (recorded as S88°27'26"W), 326.24 feet along said South line to the point of beginning; Containing 794,857 square feet, or 18.247 acres.

**FP-1 to UTR:**

Part of Lot 4, 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 ¼ of the Southwest ¼, Section 27, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin, described as follows:

Commencing at the Southwest Corner of said Section 27; thence N88°54'15"E (recorded as N89°27'26"E), 1085.17 feet along the South line of Southwest ¼ to the point of beginning; thence N00°08'52"E, 692.52 feet; thence N17°49'31"E, 62.93 feet; thence N00°08'52"E, 190.27 feet; thence S88°53'13"W, 502.57 feet; thence S00°27'01"E, 308.86 feet to a point on a curve; thence along a non-tangential curve to the right having a radius of 50.00 feet and a chord bearing and length of S78°47'31"W, 17.53 feet; thence S88°53'13"W, 63.40 feet; thence N00°47'38"E, 428.29 feet; thence N88°53'13"E, 540.96 feet; thence N00°42'40"E, 256.69 feet to a Southerly right-of-way line of N. Star Road; thence N89°13'48"E, 260.20 feet along said Southerly right-of-way line to the East line of said

Southwest ¼ of the Southwest ¼; thence S00°08'52"W, 1313.62 feet along said East line to the aforesaid South line; thence S88°54'15"W, 247.73 feet along said South line to the point of beginning; Containing 413,565 square feet, or 9.494 acres.

### CONDITIONAL ZONING

Conditional zoning is hereby imposed pursuant to Section 10.101(8)(d) of the Dane County Code of Ordinances. The rezoned area shall be subject to the following conditions.

1. The rezone will not become effective until a final plat and developer's agreement are approved and fully executed by the Town of Cottage Grove.

### RECORDING OF AN APPROVED PLAT REQUIRED

The above listed description(s) is/are intended to describe land for which a subdivision plat conforming to all applicable provisions of Chapter 236 of Wisconsin Statutes and Chapter 75, Dane County Code of Ordinances will be prepared for approval and recorded. This amendment will become effective, if within two years of its approval by Dane County, a plat that described the land to be rezoned is recorded in the office of the Dane County Register of Deeds. **Failure to record the plat will cause this amendment to be null and void. A copy of the recorded plat shall be submitted to Dane County Zoning.**

### DEED RESTRICTION REQUIRED

This amendment will be effective if within 90 days of its adoption by Dane County the owner or owners of the land record the following restriction(s) on said land:

1. A deed restriction shall be recorded on the lot stating the following:
  - a. Land uses on the property shall be limited exclusively to the following permitted uses:
    - i. Agricultural uses (livestock not permitted)
    - ii. Agricultural accessory uses (livestock not permitted)
    - iii. Contractor, landscaping or building trade operations
    - iv. Governmental, institutional, religious, or nonprofit community uses
    - v. Indoor sales
    - vi. Indoor storage and repair
    - vii. Light industrial
    - viii. Office uses
    - ix. Personal or professional service
    - x. A transportation, utility, communication, or other use that is:
      1. Required under state or federal law to be located in a specific place, or;
      2. Is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit.
    - xi. Undeveloped natural resource and open space areas
    - xii. Utility services associated with, and accessory to, a permitted or conditional use
    - xiii. Veterinary clinics
  - b. Land uses on the property shall be limited exclusively to the following conditional uses:
    - i. Communication towers
    - ii. Outdoor Storage
    - iii. Transportation, communications, pipeline, electric transmission, utility, or drainage uses, not listed as a permitted use above
    - iv. Vehicle repair or maintenance service

c. Residential and associated accessory uses are prohibited.

Said restriction(s) shall run in favor of Dane County and the pertinent Town Board(s) as well as the owners of land within 300 feet of the site. Failure to record the restriction(s) will cause the rezone to be null and void. A copy of the recorded document shall be submitted to Dane County Zoning.