

Resolution 2026-P-04

**RESOLUTION APPROVING AMMENDING
CONDITIONAL USE RESOLUTION**

Return Address: City of Mauston
Attn: Valerie Nelson
303 Mansion Street
Mauston, Wisconsin 53948

Parcel I.D. Nos. 29-251-0281

APPLICANT: Brad Bolton, DBR Enterprises LLC

PROPERTY OWNER: Summit Horizon Properties

PROPERTY AFFECTED:
Address: 508 Gateway Ave, Mauston, WI

Legal Description: Lots Forty-five (45), Forty-six (46) and Forty-seven (47) of Assessor's Plat Number Three (3) of the City of Mauston, Wisconsin.

WHEREAS, the City of Mauston has received a request to amend Conditional Use Resolution 2005-P-09 by the above Applicant regarding the above property, which application is attached hereto and incorporated herein by reference; and

WHEREAS, the City Council has conducted a public hearing on said application and has carefully evaluated the application, along with input from City staff and consultants.

NOW, THEREFORE, the City Council of the City of Mauston does hereby resolve as follows:

BE IT FURTHER RESOLVED that the Mauston City Council finds that this application for Conditional Use satisfies the standards required by Section 114-288 of the Zoning Ordinance, specifically as follows:

- (a) The City Council finds that the proposed Conditional Use, in general, independent of its location, is in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted or under consideration by the City.
- (b) The City Council finds that the proposed Conditional Use, in its proposed specific location, is in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted or under consideration by the City.
- (c) The proposed Conditional Use will not cause a substantial or undue adverse impact on

nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development.

- (d) The proposed Conditional Use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
- (e) The proposed Conditional Use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.
- (f) The potential public benefits (greenhouse) of the proposed Conditional Use outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the Applicant's proposal, including the Applicant's suggestions to ameliorate any adverse impacts.

BE IT FURTHER RESOLVED that the Mauston City Council approves the application for a Conditional Use subject to the following conditions and restrictions, which shall be perpetual; unless and until changed by action of the Plan Commission or until the Applicant ceases the use of the property which is conditionally approved herein:

1. PRIOR RESOLUTION. Resolutions 2005-P-09 is hereby replaced by this Resolution. In addition to addressing the amendment sought by the applicant, this Resolution intends to consolidate all of the terms and conditions of the previous Resolutions into this one document for ease of administration.

2. APPROVED USES. The Applicant is hereby authorized to use the property, which is located in the Planned Business (PB) District, for the following uses:

- a) Principal land uses of "Indoor Sales or Service" which is defined in Sec. 114-124(c) which is a permitted use, and "Outdoor Sales or Service" for items such as fertilizer, salt, lawn, winter items, etc. which is defined in Sec. 114-124(d) which is allowed by conditional use.
- b) Accessory land use of "Minor Accessory Structure" (greenhouse) which is defined in Sec. 114-128(b), and is allowed by Conditional Use
- c) "Seasonal Outdoor Sales of Farm Products" for the Farmers Market which is defined in Sec. 114-129(e) and is allowed as a temporary use.

No other uses may be allowed on this property without first obtaining an amendment to this Resolution. However, a different business with the same "use" classification as approved herein may be authorized by the Zoning Administrator following completion of the process for granting permits for "permitted uses".

3. SITE PLAN APPROVAL. The Site Plan, dated 3/30/26, which is attached hereto and incorporated herein by reference, is approved. Construction of this project shall be completed in substantial conformance with the attached Site Plan, including all hand-written additions thereto and notations thereon which bear the initials of the Applicant and the City.

4. SIGNAGE, LIGHTING, LANDSCAPING. No change from previous resolution are proposed or approved.

5. SUBDIVISION. In the future, the owner will not be able to subdivide this property for sale to separate owners.

6. CERTIFICATE OF OCCUPANCY. Upon completion of the project authorized by this Resolution and before the project is used or occupied for the Conditional Use granted herein, the Applicant shall notify the City Zoning Administrator, who shall inspect the project and, if appropriate, shall issue a Certificate of Occupancy, pursuant to section 114-292 of the Mauston Zoning Ordinance.

7. CHANGES. Pursuant to section 114-288 of the Zoning Ordinance, the Applicant may apply to the Zoning Administrator for “minor” changes to the Site Plan or this Conditional Use, which changes may be granted, in writing, by the Zoning Administrator, provided (i) the changes do not violate any of the minimum standards of the Mauston Zoning Ordinance and (ii) the spirit and intent of the original Conditional Use is preserved. The Zoning Administer shall determine, in his/her sole discretion, whether a change is “minor”. All changes which are not “minor” shall be submitted to and approved in writing by the Plan Commission. Whenever an approved change alters any part of a recorded document, the document which authorizes said change shall also be recorded.

8. OTHER REGULATIONS. Nothing herein shall constitute a waiver or limitation of the Applicant’s compliance with all other Mauston ordinances and regulations, including all other requirements of the Mauston Zoning Ordinance.

9. ENFORCEMENT. The conditions imposed herein (including the conditions imposed by any plans or changes submitted hereafter), shall all be enforced as on-going conditions of this Conditional Use Resolution. Failure of the Applicant to comply with these conditions, shall entitle the City to take enforcement action, which may include fines, forfeitures, injunctions, and/or termination of this Resolution, which in turn will require the Applicant to cease the use of the property authorized herein until a new Conditional Use is approved.

10. RECORDING. A copy of this Resolution, without attachments, shall be recorded with the Juneau County Register of Deeds.

11. BINDING AFFECT: This Resolution shall be binding upon and shall inure to the benefit of the heirs, successors and assigns of both parties. Nothing herein shall be construed as limiting the right of the Owner to sell, give, or otherwise convey the premises, provided that the use and occupancy of the premises by any new owner shall be subject to the terms of this Resolution, which shall run with the land and which shall be perpetual, unless and until changed by action of the Plan Commission.

12. APPLICANT / OWNER APPROVAL. This Conditional Use shall not become

effective and shall not be recorded until the Applicant and Owner acknowledges his/her/its acceptance of this Conditional Use by signing this Document in the space provided below.

Introduced and adopted this _____ day of _____, 2026.

MAUSTON CITY COUNCIL

Approved: _____ **Attest:** _____
Darryl D. D. Teske, Chairman Daron Haugh, Secretary

APPLICANT APPROVAL

The undersigned Applicant hereby acknowledges receipt of this Conditional Use and hereby acknowledges that the development and use of the property shall conform with the terms and conditions of this Conditional Use and the Mauston Zoning Ordinance.

Signature: _____ Date: _____

Print Name: _____ Title: _____

This document CUP 2026-P-04 drafted by: Val Nelson - Zoning Administrator, Mauston, WI 53948